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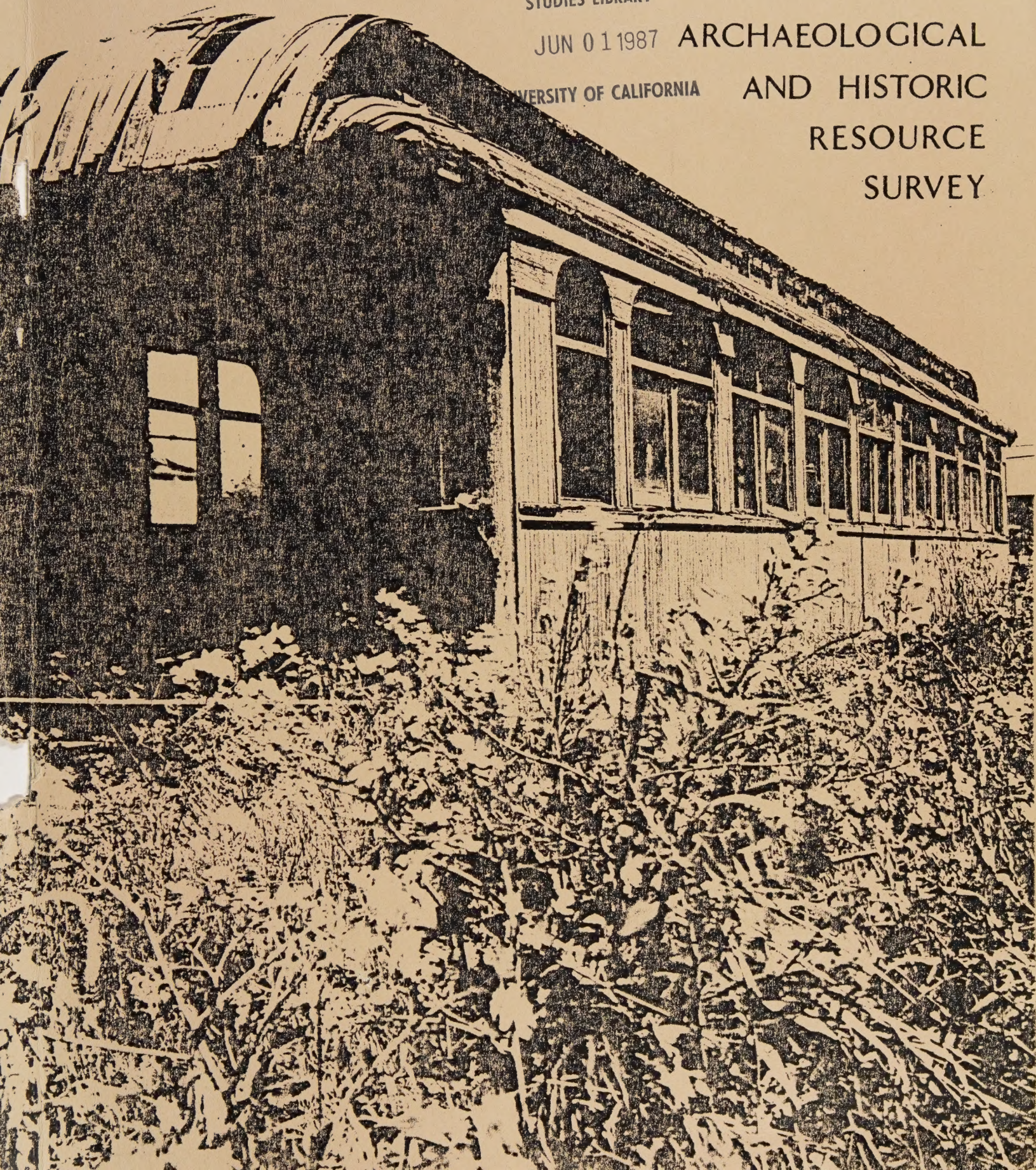
# POINT REYES STATION

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ARCHAEOLOGICAL  
AND HISTORIC  
RESOURCE  
SURVEY







# POINT REYES STATION

## ARCHAEOLOGICAL & HISTORIC RESOURCE SURVEY

AUGUST 1976

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COVER: A 1976 photo of Point Reyes' first "Library"  
(Photograph by Peterson)

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## I. INTRODUCTION





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## Background

At the urging of local citizens and property owners, North Marin County Water District has prepared a feasibility report (facilities plan) recommending construction of a gravity sewer system and treatment facilities to provide sanitary sewer service in the West Marin village of Point Reyes Station. This report, although separately bound, is but a portion of the Environmental Impact Report prepared for this project. Its preparation was authorized by the voters of Point Reyes Station at an election held on June 4, 1974. At that time, 79% of those casting votes requested that study of a community sewer system serving Point Reyes Station proceed. Since the construction of most any project carries the potential of destruction of archaeological and historic resources, federal and state environmental protection laws require that the project Environmental Impact Report identify these resources and define expected impacts. It is the purpose of this report to fulfill this charge.

## The Proposed Project

Recognized as the principal commercial and trading center serving West Marin and visitors to the popular Point Reyes National Seashore, Point Reyes Station is not without sanitary sewage disposal problems. To meet these problems and eliminate the potential for future sanitation hazard, a community sewer system is proposed to serve the town nucleus with wastes collected by gravity and pumped through a force main to the north of town for natural treatment in a lagoon utilizing aerobic processes followed by irrigation of pasture land. During the winter months, when pasture irrigation is not possible, treated wastewater would be held in storage. Such a system would allow compact development of the downtown area without sanitation problems and would have low energy requirements. Financing would come principally from state and federal grants and a sizable contribution from the U. S. Coast Guard who maintains a large housing facility in the town which would also be served.

A map of the proposed sewer system and service area boundary is shown on Exhibit 1. Exhibit 2 shows modern day Point Reyes Station as visualized from the air. Structures within the boundary of the service area were the subject of the historic and cultural properties survey contained in Chapter II of this report, and the construction sites of the proposed sewer system facilities shown on the map were subjected to the archaeological survey contained in Chapter III.

Those wishing more precise information on the proposed community sewer system are referred to the main Environmental Impact Report for the project. References and sources of information used by the authors in preparing this report are contained in Appendix A.









PHOTO OF POINT REYES STATION

EXHIBIT 2

Aero Photographers  
Sausalito, California



## The National Historic Preservation Act

Federal law requires that whenever an agency is receiving federal money for a project, that agency must first inventory all potentially affected properties to determine if they (1) have sufficient historic value to be a candidate for the National Register, and (2) are already included in the Register, and then determine whether or not the project will adversely affect the properties. The National Register is the official list of the nation's cultural property that is deemed by Congress as worth preserving. Appendix B contains a summary of federal law pertaining to historic preservation. Appendix C contains information and forms to be used in nominating properties for the National Register and Appendixes D and E contain information on historic preservation grant and loan programs.

## Historical/Architectural Sketch of Point Reyes Station

Point Reyes Station is located in the western portion of Marin County near the northern end of the Golden Gate National Recreation area and serves as the gateway to the Point Reyes National Seashore. The town is one of the remaining nineteenth century towns which existed along the North Pacific Coast Railroad (a narrow gauge railroad) which went from Point San Quentin via Tomales Bay to the Russian River area ending at Cazadero in Sonoma County. Point Reyes Station originally served as a shipping and service area for the railroad and nearby dairy ranches, and can be considered an offspring of the North Pacific Coast Railroad. The original main street of the town (A Street), which paralleled the railroad system, still serves as the town's main transportation corridor and is part of the Coast Highway. Exhibit 3 shows an aerial photo of the town. Numbers shown are keyed to the following text and photos.

Early inhabitants of the area were the Coast Miwok tribe. The institution of the Spanish mission system saw a great many of the Miwoks forced into labor for the nearest mission in San Rafael. The arrival of white colonists also brought disease to the Miwoks against which they had no immunity. The Mexican government secularized the missions and allowed the Miwoks to return to their native lands which by then were in the hands of large grant holders.

Attempts to trace or establish the land grant ownerships of Point Reyes Station are somewhat confusing, although it is known that James Black, who held title to a large area known as Nicasio, had in his estate 950 acres of Point Reyes land which was deeded to his daughter, Mary Black. Mary Black married Dr. Galen Burdell in 1863, received ownership of the 950 acres after her father's death in 1870, and in 1877 she gave Burdell the 950 acres which surrounded the railroad station at Point Reyes Station. The area was originally known as Mary Black Burdell's cow pasture and after the arrival of the railroad was commonly called Burdell's in the 1880's although the station was named Olema Station.

Early landowners of the area, besides Burdell who must have sold them the land, were: John Bondeson, a railroad agent; Quinto Codoni, a hog and cattle buyer; Salvatore Grandi, merchant; Pietro Scilaci, bookkeeper and later merchant; and Batista Tomasini, dairyman who also owned a canyon nearby. Early



## II. HISTORIC AND CULTURAL PROPERTIES







POINT REYES STATION

STATE MAPS 1:320

voter registration records show a predominance of Swiss immigrants in the area and dairy or railroad connected occupations. Salvatore Grandi served on the Marin County Board of Supervisors from 1887 to 1891.

In 1882 when the post office was opened the name was changed from Olema to Point Reyes, but due to another post office with the same name the word Station was added in 1891. Although the other Point Reyes post office was discontinued after World War II, the title Point Reyes Station seems appropriate for a town born of a railroad.

The first train arrived on January 7, 1875, and within one year Galen Burdell had established a bar and hotel for the train crew and passengers. These establishments were located on the site now occupied by the Grandi Building (42). The hotel was known as Burdell's, Hewitt's, and the Point Reyes. The original building was a wooden structure and moved to make way for the present brick one. Burdell's Bar has been moved to a location near 1st Street and A Street, and has been modified with a glassed in porch and asbestos shingles (45). The train made 15 to 20-minute stops at Point Reyes Station which provided ample time for the passengers and crew to partake of food and drink at Burdell's businesses. Passengers who were going to Inverness would leave the train at Point Reyes Station in order to take a horse drawn stage to finish their journey. In 1898, Peter Scilaci built a livery stable that served as a storage place for the horses and wagons used for the Inverness journey (23). The building is still in use today, although it is no longer a livery stable.

Point Reyes Station also served as a shipping point for the lighthouse which was established in 1870. One of the most historic sites in the town is at the junction of Highway 1 (Coast Highway) and Sir Francis Drake Boulevard and is now the location of a real estate office (48). At one time flat bottomed boats made their way up Lagunitas Creek to a landing built there in the 1860's by Samuel P. Taylor. The boats, one of which was the steamer "Monterey", would deliver rags for Taylor's Pioneer Paper Mill and pick up paper to be delivered to San Francisco.

The town gained importance as a service point for the many surrounding dairy ranches. The dairy industry was best known for its butter production which was considered to be of exceptional quality and sold successfully in San Francisco to establishments such as the Palace Hotel. The surrounding area was also known for hog and cattle raising. The early Grandi store, now known as the Western (41), had a scale for weighing the hogs. Livestock pens for holding cattle and hogs awaiting shipment were located on land that is now part of the Coast Guard housing. It was on this end of town that a bunkhouse for railroad worker (46) and water tanks were located. One water tank was near the bunkhouse and the present medical center is located on the former site of another water tank (44). The water tanks were used to service the railroad.

A study of a map will show the importance of the railroad to Point Reyes Station. The town's development can be traced along the railroad tracks, starting near the depot and gradually evolving outward. "A" Street, which following the railroad right of way, is still the location of some of the town's early buildings. The present railroad depot building (38), currently an art studio, is probably the original baggage depot. The original passenger depot was a two story building and stood on the site now occupied by the Two Ball



Inn (43). The original Grandi store and saloon occupied the site of today's Western (41). The first Grandi building was destroyed in the 1906 earthquake because it was built of brick. It was replaced with a wooden one story building that same year and in 1920 a second story was added. In 1898, Peter Scilaci, a former Grandi clerk, went into business for himself by building a large country store (25) and livery stable (23). Both of these buildings are in existence today.

The first school was built in 1879 as part of the Black School District and is now used as a home (15). In 1905, the two story Black School replaced the original. It was located at 4th and B Streets and used until 1953 when the present facility was built. A town fireman, John Damazio, tore down the Black school house and used the lumber to build the fire station (13).

In 1933 the trains stopped running to Point Reyes Station due to the closing of the narrow gauge railroad. The town became a storage ground for old railroad cars and the citizens utilized one of them for almost a quarter of a century as the town's first library (18 and cover photo).

Residents of many of the town's old buildings today are cultural workers who have converted some of the old buildings into art sales and production centers. The old train baggage depot is now an art studio, the former cooperative creamery factory is used by artists to produce varied works, and another building is used for poetry readings. The town has retained much of its nineteenth century heritage in both commercial and residential districts and has not been exposed to many of the forces of the mid-twentieth century development. There have been no major fires and the 1906 earthquake did little damage to the architecture, but the loss of the railroad had a significant impact on the town's architectural and economic growth.

### Town Architecture

The architectural fabric of Point Reyes Station is simple and nonpretentious, reflecting certain eras by the basic architectural styles. The buildings from the early Greek Revival type cottages to the 1920's express the simplicity or purity of an architecture to suit the peoples' needs and not one of wealthy embellishments. The early carpenter/builder residences were simple hip roof or gable roof cottages with small verandas generally finished in ship-lap siding. The three cottages Grandi had built in 1889 (34, 35, 36), and the cottages (21, 30) are examples of this simple vernacula of the early domestic architecture. Another house which Grandi had built circa 1890 (33) has some additional embellishments, including an Italianate style bay window. The design of larger two story stick style dwellings (Greek Revival farm house forms with Italianate bays and bracket) of the larger more advanced communities in the Sonoma-Marin counties area. House (29) built in 1906 is an example of the earlier Greek Revival farm houses built in the area with the inclusion of a simple veranda (which according to architect Andrew Jackson Downing was the first item to add to your farm's house as embellishments when your means permitted it). The only house which illustrates the level of embellishments beyond the architecture of need is the Brunthaver House built in 1903 (31) which is Georgian or Colonial American Revival with influences of the Queen Anne style. It is not common to find the classic details, veranda columns and dentil trim,

combined with the pattern shingles and windows of the Queen Anne styles. Another series of houses which appear to be built in the same era (4, 5, 6, 7, 8, and 12) utilize the narrow board siding of the 1910's and show influences of the Queen Anne cottage and Western Stick or Craftsman style. The next and final era of domestic architecture during the railroads is the bungalow style which had its heyday in the 1920's and is well illustrated by the shingle style bungalow (16), bungalow with modifications (2), and the stucco bungalow (22). These bungalows still illustrate the original concept of an architecture to suit the peoples' needs while still retaining a sense of simple and honest aesthetics.

The town's commercial buildings reflect the same level of architectural simplicity as the domestic architecture such as the two buildings Scilaci built in the 1890's (same siding and stick trim as used on the houses) and the Western built in 1906 which incorporates some classic details in the frieze treatment with dentil trim at the roof line. The railroad depot (though modified) is the architecture of a baggage depot. The later Mission Revival era is illustrated in the hotel built by Grandi in 1915, the Forresters building in 1914, and the Station House restaurant building built in the 1920's. The Classic era is illustrated in the Bank of America building built in 1923. These buildings are illustrations of the town's attempt to incorporate embellishments into its architecture. Any further development of the architectural fabric tended to stop with the end of the railroad era.



#### Inventory of Sites and Buildings

The following section identifies sites and buildings as they stand today. Site numbers "key" to the numbers shown on Exhibit 3.

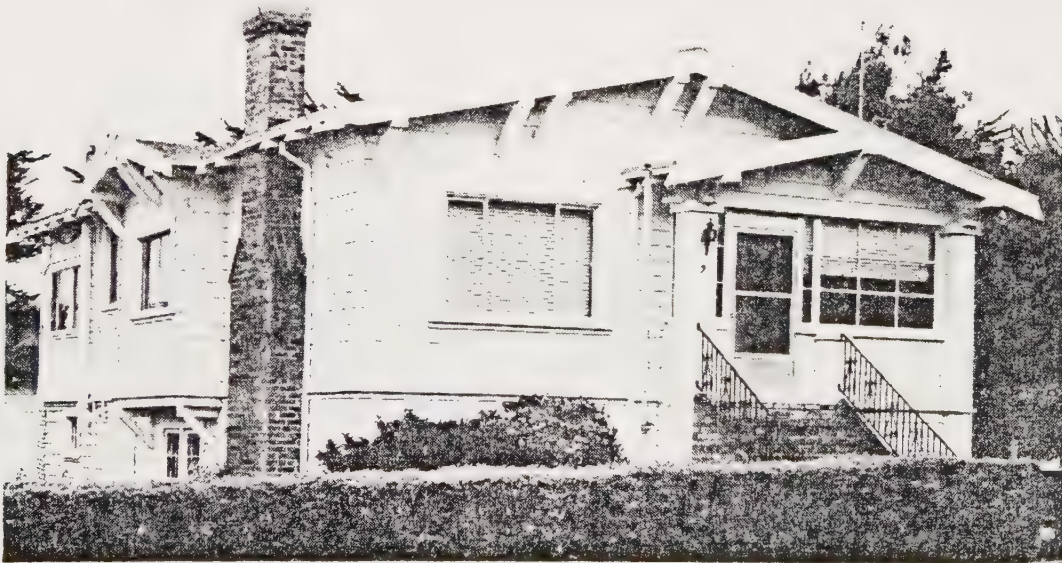


- 1 Board and bat railroad station barn, circa 1920, converted to a Community Center. This building was built to handle the south end of the gauge railroad system when the line from Point Reyes Station to Sausalito was converted to standard gauge.



1

- 2 California bungalow with shiplap siding. The style indicates that it was built circa 1920.



2



3

The Sand Castle is a Mission Revival style constructed of wood with clapboard siding built by the Foresters in 1914. The stilted arched entrance is flanked by two square Belvedere type towers with hipped roofs. The windows have very dominating hood molds similar to the Medieval Label over the openings.



3

4 & 5

Two hip style craftsmen/bungalows with narrow shiplap siding. These are a more refined version of the early hipped roof works cottage. The style indicates them to be circa 1915.



4

5



6, 7 & 8

These residences are similar in character and could have been built by the same person. The common details noted with these buildings are the entrance porches, railings and columns, siding and trim. The materials and architecture indicate them to have been built circa 1905-1910.



8

7

6

9

Sacred Heart Catholic Church built in 1914, with Romanesque arches, bracketed soffets and shiplep siding. The siding has been so detailed to give the appearance of the Bank rustication used in stone buildings. Used as a parish until 1967 when the parishioners were moved to a new church in Olema.



9



- 10 Bungalow with shiplap siding.  
11 Early Greek Revival era barn with shiplap siding.



8                      7                      3                      11                      12

- 12 Narrow clapboard with hip roof with a transitional style between Queen Anne and Shingle. The building does not connect on side as shown on key. Built by Batista Tomasini in 1906.



12



- 13 Site of Black School built in 1905. In 1953 the school house was torn down and the lumber used for the construction of a fire station on the site.
- 14 Point Reyes Coop Creamery, circa 1914. This appears to be the oldest of the corrugated metal in Point Reyes Station. The shaped false front and tall windows confirm its early date.



3

4

5

14

- 15 Originally a school built in 1879, this Greek Revival cottage with clapboard and six lite double hung windows has been modified and is now in use as a home.



15



16

Shingle style bungalow circa 1915. Still has the craftsmen style windows of small panes above a large lite.



16

17

Greek Revival style with veranda and shiplap siding. No historical data.

18

Present location of railroad car shown on cover and once used as a library.

19

Brick cottage with corrugated metal roof. Muttins are very thin - 12 lite - indicating an early era. Used by B. Taddeucci as a bakery, circa 1907.



19



20 Hip roof cottage with shiplap siding and veranda. Appears to be an early cottage type residence for the workers in the community. See also numbers 27 and 28.

21 Greek Revival cottage with shiplap siding and veranda. This cottage shows the same gable cut frieze trim and brackets as the cottages numbered 34, 35 and 36, though it is a little more elaborate and was probably built around 1900.



21

22 Stucco bungalow reflecting the concept of architecture designed to suit the needs of the people.



22



23

Italianate false front with hip roof and shiplap siding built by Pietro Scilaci in 1898 and used to store wagons and horses that drew the stages to Inverness. See number 25.



23

24

Shingle style cottage, circa 1910.

25

Italianate false front with shiplap siding built by Pietro Scilaci in 1898 to be used as a country store. The parapet trim and pediment reflect the window pediment in design. There appears to be modifications which have eroded the original integrity of the building's design. The livery stable (number 23) and this building are a unique combination in the design similarities.



25



26

Mission Revival, circa 1920's, the Station House Restaurant is a false front commercial building and shows an individualistic use of the Mission and Spanish Revival styles.



37

26

- 27 Greek Revival cottage with portico; appears to be an early cottage type residence for workers, similar to numbers 20 and 28.
- 28 Worker's cottage with hip roof and narrow shiplap siding.
- 29 Greek Revival farm house with simple veranda build by Stephen Cavannagh in 1906. Present owners are Michael and Anabelle Gahagen. This house is well designed and illustrates certain refinements to the earlier farm houses of similar style. The house is well preserved on the exterior.



29



30

Greek Revival cottage known as the Eaton House with veranda on the gable end and constructed with shiplap siding.



30

29

31

American Colonial Revival with veranda on the gable end. Gable ends of main roof and dormer show Queen Anne influences in its windows and textured shingles. Significant details include columns on veranda, dentil trim at the cornice and in the gable. Built in 1903 by Dr. Forest Brunthaver, the house has been owned by the Bondeson and Muscio families, and the present owners are Ralph and Martha Borge.

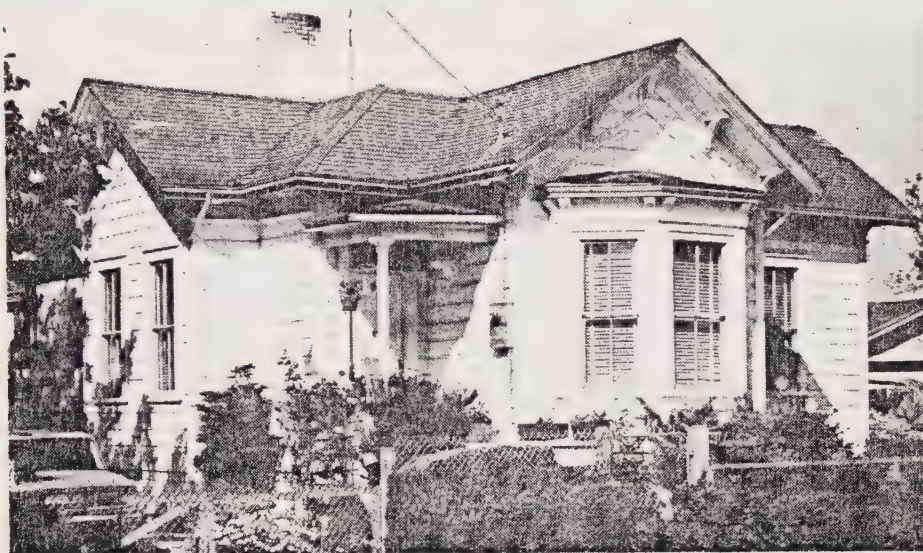


31



32 Shingle style bungalow. No data.

33 A unique Stick style cottage, circa 1890, with Italianate bay and bracketed eaves, the detailing in this building is more commonly found in two story structures.



33

34, 35 & 36 Three simple gable roof cottages built in 1889 by Salvatore Grandi. The detailing is limited to stick trim over the shiplap siding with standard manufacture brackets on the gable end. The gable end verandas on two of the buildings have been basically unaltered.



34

35

36



37

The Bank of America, circa 1923, replaced the earlier bank building (the Dairymen's Coastal Bank) which was relocated to another site (number 51). The earlier building was a false front commercial with classic Greek Revival influences. The present bank building, a classic period style of small scale with a pediment detail over the entrance, is constructed of brick which is exposed. In 1928 the bank became the Bank of Italy and in 1932, the Bank of America.

38

Railroad Depot, evidently the original baggage depot. Its hip roof with knee braces is representative of the styles used for railroad buildings but the original windows have been modified.



38

39

Stucco false fronts commercial, circa 1920's, built by Henry Grandi.

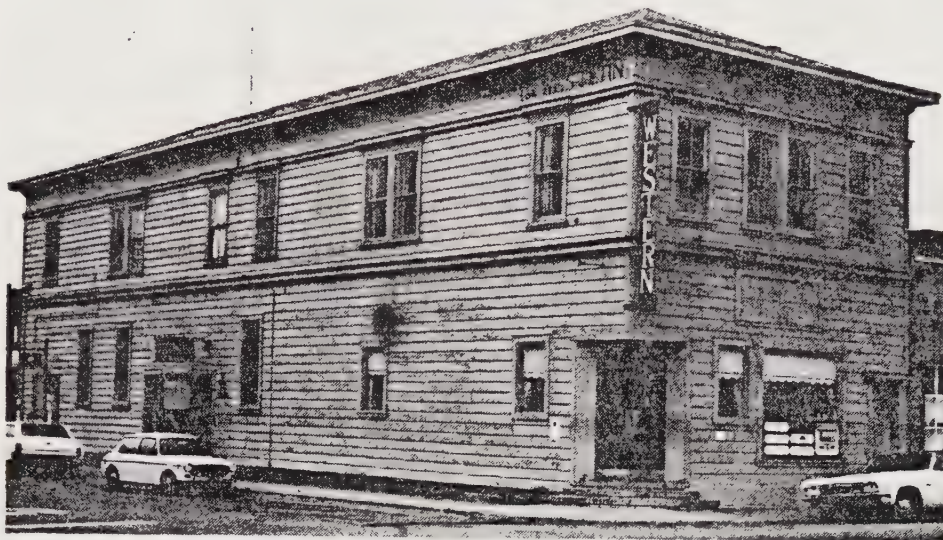
40

Italian bracketed false front commercial building with Victorian type brackets.



41

The Western is a two story commercial hip roof building in a Greek Revival style. The dentils at the box cornice and lower trim form a frieze type detailing below the hip roof. Site of Grandi store and saloon, a brick building that was destroyed in the 1906 earthquake. In 1906 a one story wooden structure was built as a replacement, and in the 1920's a second story was added.



41

42

A brick hotel and commercial building in the Mission Revival style built by Grandi in 1915. The detailing in this building, arches, shaped parapets, and hip roof towers are representative of the Mission Revival and reflect many of the design elements in the Forresters' building, while containing some of the characteristics of the Spanish Colonial Revival style.



42

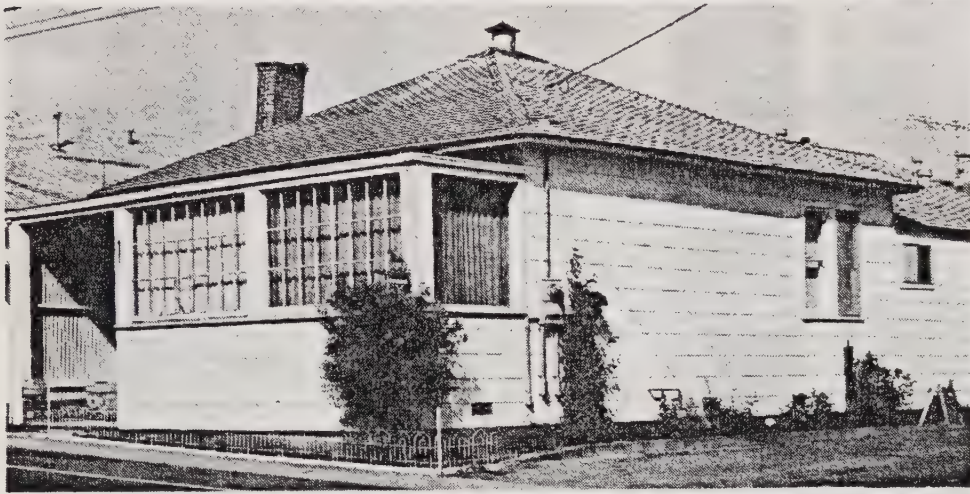


43 & 44

Former sites of passenger depot and water tank.

45

Present location of Burdell's Bar building now used as a residence. The building was moved from its original location and has been altered by the closing in of the veranda and by adding asbestos siding to the exterior.



45

46

At one time, the location of a bunkhouse for railroad employees.

47

In 1910 the location of a blacksmith's shop now used by the River Tripper Kayaks.

48

One of the most historic sites in the area, former location of a landing built in the 1860's, now the location of a real estate office.

49

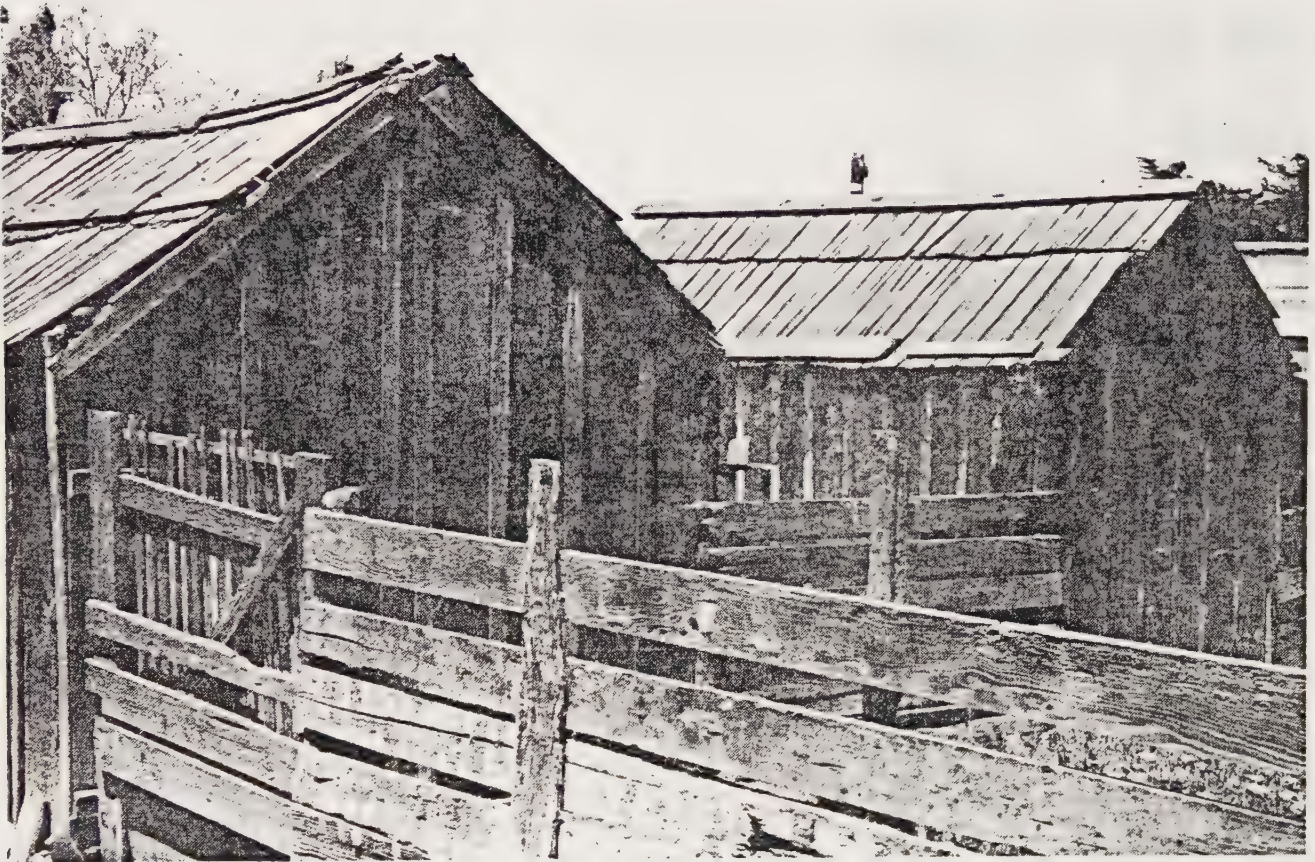
Saltbox farmhouse with shiplap located on the Waldo Giacomini dairy ranch.



49



- 50 Old ranch barns on which no data was found. Some of the buildings have long (36 inch) shingles which would indicate an early construction, but the shingles could have been reused from an earlier structure.



50

- 51 This structure is the relocated bank building (the Dairymen's Coastal Bank) that was originally located on the site where the Bank of America is (number 37). The building is now a residence and has been altered beyond recognition of the original structure.

## Dump Sites

Except for the treatment pond and spray irrigation area, project construction is confined to a small segment of the Northwestern Pacific Railroad (existing since the late 1800's) or streets planned or existing since maps were first recorded in 1908 showing the layout of the town of Point Reyes. It did not appear likely, therefore, that any community or private sump sites would be disturbed by project construction. Interviews with several long-term residents of the area confirmed this hypothesis. They noted it was the practice of townspeople to utilize dump sites in canyons on nearby ranches.

## Evaluation

None of the structures in Point Reyes Station are on the National Register of Historic Places. The architectural quality of the community is in the historic integrity of the buildings as a whole and not in the architectural significance of any single building. The loss of any one of the buildings discussed could have a significant impact since there are only a few examples of the various eras, and because Point Reyes Station's architectural history (1875 to 1930) unfolds within the confines of a small area. The most important buildings which serve as focal points in the community are the Western (41), the Grandi (42), the Station House restaurant (26), the Bank of America (37), the Forresters - now known as the Sand Castle (3), and the Sacred Heart Catholic Church (9). Special attention should also be given to the two buildings that Scilaci built (23 and 25) if restored back to their 1890 era. The residential neighborhoods on the B and C street area are also unique. The key residential buildings visually are the bungalows shown as numbers 29, 31, and 33.

It is likely that a portion of Point Reyes Station could qualify for placement on the National Register of Historic Places inventory as a district at a local level of significance and that effort expended to preserve this district as a larger part of preserving the history of the North Pacific Coast Railroad to the Russian River might be well justified. This could occur in harmony with Tomales, Freestone, Occidental, and Duncans Mill, all towns which have retained their railroad era fabric. Preservation of the Point Reyes Station "style" can be accomplished by working out certain visual and zoning policies in concert with general plan concepts and to review the general appearance of new construction. Care should be taken in this process not to just copy the styles, but to harmonize with them in blending the new with the old.

## Impact of Proposed Project

None of the structures discussed in this report will be altered or affected directly by the proposed community sewer system since no rights-of-way or easements conflict with existing structures.

As to secondary impacts, it is probable that the modest growth contemplated in the community plan and which would be served by the sewer system could potentially affect some of the structures.



Mitigation Measures Recommended

Primary Impacts: None

Secondary Impacts: Design review criteria and procedures should be implemented by the County of Marin to assure that new developments preserve or harmonize with the architectural style of Point Reyes Station.





### III. ARCHAEOLOGY





## Introduction

Pursuant to the request of the North Marin County Water District, Archaeological Consulting and Research Services, Inc. has completed an archaeological reconnaissance of the proposed facilities of the Point Reyes Station Wastewater Project and has compiled available data relative to the ethnographic and ethnohistoric Native Californian populations of the Point Reyes Station area.

Included in the field reconnaissance efforts were the proposed locations of the sewer lines, lift station, force main, spray irrigation field, and treatment lagoons as detailed on Exhibit 1 of this report. It was known, prior to our current investigations, that at least one archaeological resource was located near the proposed treatment lagoons. This resource was located in March of 1975 by Mr. Steven Wilson of ACRS during a reconnaissance of the treatment lagoon site for the North Marin County Water District. No additional archaeological resources were discovered as a result of our most recent reconnaissance. The location of the single archaeological resource and its relation to the proposed treatment lagoons is provided on Exhibit 6. An assessment of the possible impacts on the archaeological resource as may be created by the proposed project, and alternatives for the mitigation of those impacts are detailed in the body of this chapter.

Ethnographic and ethnohistoric information indicates that the region surrounding Point Reyes Station was once occupied by individuals of the Marin dialect group of the Coast Miwok Native Californians. Data concerning these peoples, their aboriginal culture, and the impacts of contact with Euro-Americans are discussed.

This chapter has been prepared by Archaeological Consulting and Research Services, Inc. of Mill Valley, California. Principals of ACRS are Messrs. Stephen A. Dietz and Thomas L. Jackson. Both Mr. Dietz and Mr. Jackson have completed Master of Arts degrees in anthropology at San Francisco State University. Both individuals have been involved in California archaeology since 1968 and have extensive survey and excavation experience in all nine Bay Area Counties. ACRS was founded and incorporated in 1973. Since the beginning of that year, ACRS has been directly responsible for the preparation of over 200 archaeological elements for inclusion in environmental impact reports and statements. ACRS has undertaken contractual agreements with many public agencies including the California Department of Transportation, U. S. Bureau of Indian Affairs, United States Forest Service, and U. S. Bureau of Land Management, as well as several businesses within the private sector. Mr. Jackson has been most involved with Marin County prehistory and Mr. Dietz' Master's thesis centered upon archaeological and ethnohistoric research in the Nicasio region of Marin.

## Research Methodology

Prior to the commencement of reconnaissance efforts, maps and records as previously obtained from the Society for California Archaeology Clearinghouse #4 at San Francisco State University were examined to determine if any archaeological surveys had been completed within the proposed project area, or if any known archaeological resources were within the proposed project's

limits. These maps and records indicated that other than the work completed in March of 1975 by ACRS, no other portions of the proposed project had ever been subject to an archaeological reconnaissance nor had any archaeological resources been recorded to be within the limits of the proposed developments. As stated previously in the Introduction, Archaeological Consulting and Research Services, Inc. completed an archaeological reconnaissance of the proposed location of the treatment lagoons to the northwest of Point Reyes Station near the San Geronimo Creek channel (Exhibit 1). Although no indications of archaeological resources were found by ACRS at the specific location of the proposed treatment lagoons, an archaeological resource was discovered to be adjacent to the proposed lagoon facilities (Exhibit 6).

An archaeological reconnaissance of the proposed facilities of the Point Reyes Station Wastewater System was completed on June 30, 1976 by Mr. Stephen A. Dietz of ACRS. This was accomplished by walking over and visually examining ground surfaces at the locations of the proposed system developments for indications of archaeological resources. Included in this examination were the locations of the sewer lines, lift station, force main, spray irrigation field, and treatment lagoons as detailed on Exhibit 1.

Since it was immediately apparent that the locations of the sewer line routes within the Town of Point Reyes Station were obscured by street paving, attention was focused on open ground surfaces which are adjacent to those streets which shall be involved in the facilities developments. Open lots, residence yards and gardens, and drainage ditches afforded an opportunity for such an examination.

Research for the ethnographic and ethnohistoric descriptions of this chapter was undertaken at the Bancroft Library of the University of California at Berkeley, the library of the California Historical Society, and the library of San Francisco State University. Unpublished materials in the possession of ACRS were also utilized in our research efforts. A full list of materials used is provided in Appendix A.

#### Ethnographic and Ethnohistoric Information

The archaeological site situated adjacent to the proposed treatment lagoon, and the Point Reyes Station Wastewater System as a whole, is located within the ethnographic confines of the Coast Miwok Indians (refer Exhibit 4). The Coast Miwok were a branch of the Penutian language family which extended geographically from Duncan's Point on the Pacific Ocean coast, inland to the area of Glen Ellen, and south to encompass the southern portion of Sonoma County and the entirety of Marin County exclusive of that section of the Marin Peninsula below Sausalito (Heizer 1966, 1974; Kroeber 1925; Merriam 1907). In early ethnographies, Stephen Powers (1877) ascribes this region to the Mutsun language tribal group, and John W. Powell (1891) to the Moquelumnan. C. H. Merriam (1907) recognized three major divisions within the Coast Miwok linguistic group which he termed as the "Inneko family" of "Mewan" stock. These are the "Ota-ment-ko of Bodega Bay", the Lek-kah-te-wut of the open hill country from Freestone to Petaluma", and the "Hookooeko of the region thence southward to San Francisco Bay" (*Ibid* 355-356). S. A. Barrett states,



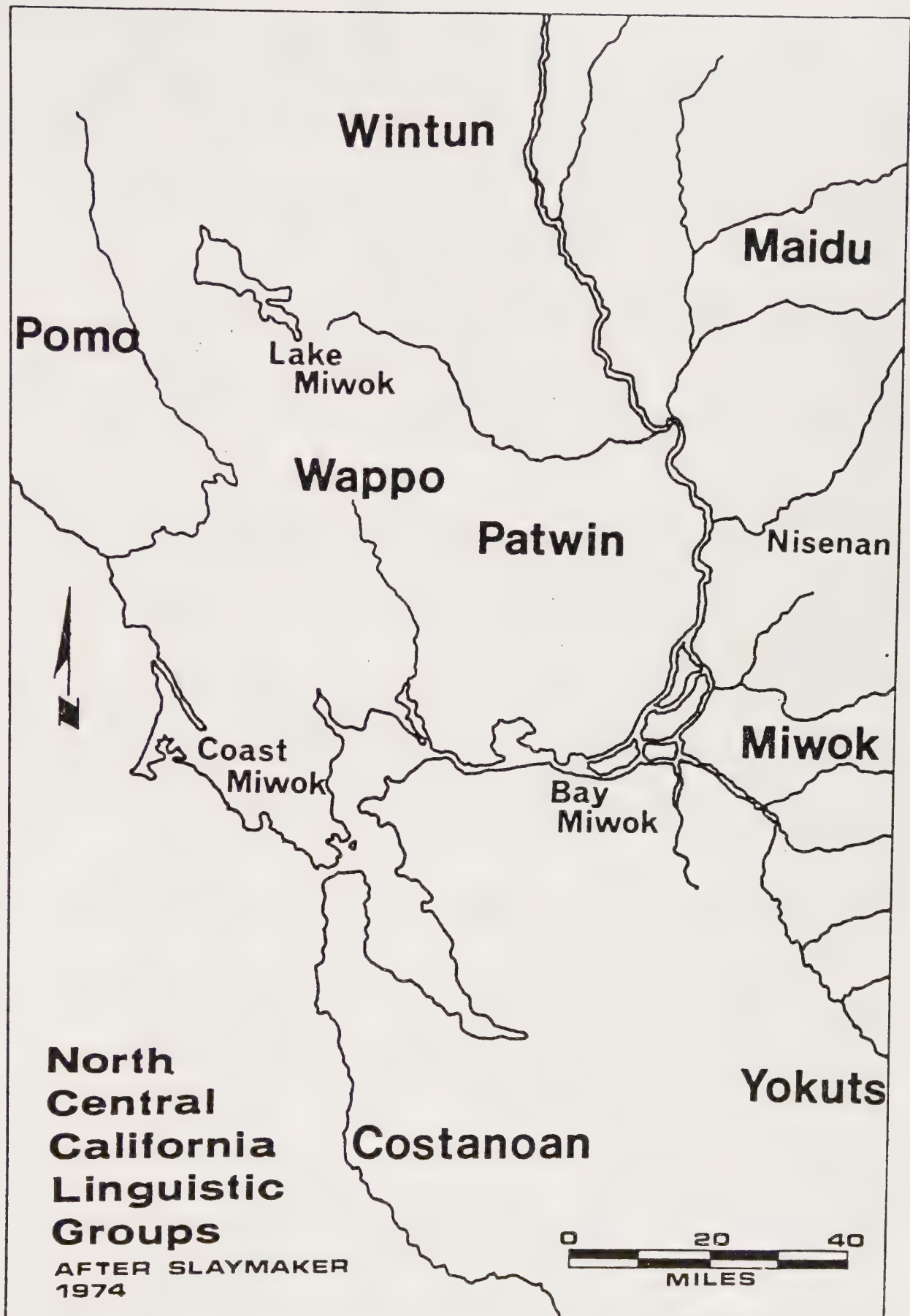


EXHIBIT 4

The larger of the two areas north of San Francisco Bay is occupied by peoples speaking two slightly different dialects which for convenience have been designated, as before stated, the Western Coast or Bodega dialect and the Southern Coast or Marin dialect (1908:345).

Sherborne F. Cook believed that the population of the Coast Miwok was approximately 3,000 people (1956:20). Current research involving Mission records would tend to support this estimate (Slaymaker 1975).

The area of Point Reyes Station is more specifically, then, within the limits of the Marin dialect group of the Coast Miwok Indians. Although no specific names are known for any Coast Miwok villages which may have been in the immediate vicinity of Point Reyes Station, we do know that there were major settlements near the towns of Olema, Marshall, and Nicasio. The village near Olema was called Olema-loke, the one near Marshall was Echa-kolum, and the one near Nicasio was named Echa-tamal (refer Exhibit 5).

These villages and, for that matter, settlements which may have been near Point Reyes Station were, themselves, undoubtedly a part of political units smaller than the entire dialect of Coast Miwok living in Marin County. These political units have been designated as the "tribelet" or "groups of small size, definitely owning a restricted territory, nameless except for their tract or best known spot, speaking usually a dialect identical to their neighbors, but wholly autonomous" (Kroeber 1932:258).

A central village with a ceremonial structure probably served as the tribelet center around which functioned a number of other permanent and impermanent villages. The settlements around the major village would have acted together on social, political, and economic matters important to the tribelet as a whole. As suggested above by A. L. Kroeber, territorial boundaries were known to members of individual tribelet boundaries. "Movement across the tribelet boundaries could be effected by invitation and consultation" (Slaymaker 1974:432).

Each tribelet was headed by a headman or *hoipu*, and each village had a *hoipu* and headwoman or *maien* (Kelley 1932).

Concerning the political control exercised by one or more individuals, it is the opinion of this thesis that Coast Miwok peoples living in Gallinas Valley elected headmen for every family and that these headmen elected another headman who became the political figure of the tribelet. The latter's power was limited by the decisions of the heads of the families. The tribelet headman was chosen because he exhibited traits of patience and good will and endeavored to always find the best solution for the greatest good of the community. His rulings and judgements were seldom arbitrary. He influenced people through example and wisdom. He was always attentive to the desires of the heads of the families for through them he received and maintained his power. He was required to entertain guests and visitors and was responsible for the maintenance of the general well being of the tribelet. He was provided with



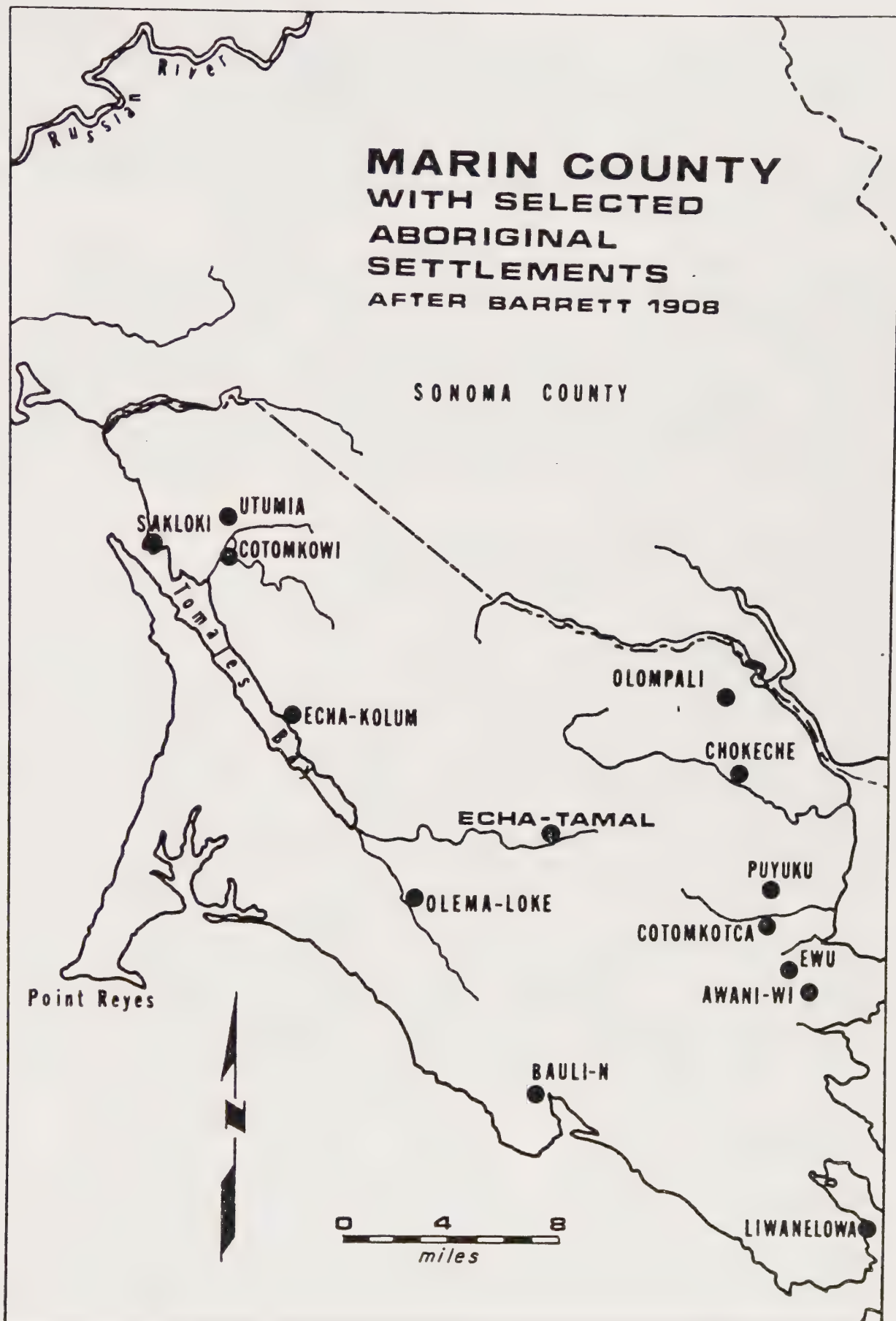


EXHIBIT 5

extra essentials and luxuries so that he could carry out these duties with dignity and hospitality. The position could be and often was hereditary within a family (Slaymaker 1974:433).

The duties of a headwoman or *maien* were similar to those of the headman. She was responsible for the maintenance of order within the village and gave advice to those who needed it.

Secret or initiating societies associated with dances and ceremonial functions were an integral part of the social structure of the Coast Miwok. Some of the names of the dances performed by the Coast Miwok include the *lole*, *hiwe*, *kilak*, *kuksui*, *pololo*, *suya*, *waiyigo*, *wetos*, and *tsukin* (Kelley 1932; Slaymaker 1972). Descriptions of these dances and other aspects of the Coast Miwok culture were collected from a Coast Miwok Indian woman named Maria Copa in the early 1930's by an anthropologist, Dr. Isabel Kelley. Maria Copa lived for a period of time during the late 1800's at the village of Echa-tamal, which was mentioned earlier as being near the town of Nicasio. Her description of the *hiwe* gives us a glimpse of what such a dance may have been like.

Hiwe danced at night; 3 nights I guess. Just the same every night. No admission (to the dancehouse). I was a little girl when I saw it. I went with my mother. Got tired in the middle of the dance and went to sleep. I guess the *Lole* goes with the *Hiwe*, because toward morning when I woke up, my mother was dancing the *Lole* that they started.

The first song: the men sang and the women cried, like someone was dead. I never asked what that meant. If I had been larger, I should have learned that first song and should know what it meant. They did not dance while this was sung.

Then they sang for the dance to start. Men and a few women danced. The people sitting all around inside the *lamma* (dancehouse or sweathouse). No special seating places. The fire was between the center post and the door (dancehouses were circular affairs which were semi-subterranean with a earth covered roof. The roof was supported by a large central post. Each dancehouse had a door at one edge and a smokehole at the top of the conical shaped roof for ventilation); the men dancers were behind the center pole, with the women dancers flanking them. The singers sat near the center post, between it and the dancers. While they danced, the women pressed their hands to their stomachs. 4-6 men sang. . . Men danced with *keaks* (staffs) in hand. Men were painted with *walanas*, red paint. Had a stripe down the front of body. All men the same. Shoulders sprinkled with feathers on a grease base. Wore *siliwa*, feather back apron. . . Dancers, both sexes, wore. . . headdresses.

Men carried the *sati*, split-stick rattle. *Keak* was sometimes held horizontally, sometimes vertically.

At this dance *Isario* was dancing and dancing. The others quit and he kept on alone. He was dancing and talking, looking out smoke hole. I couldn't understand what he said. He was talking in his own language--the San Jose language. He came



from over there. He put his keak in the fire and walked over on it. The flames were shooting way up; his feather apron was flying up but didn't burn. Then Isario went outside to talk with the Walintema (spirits). Nobody said anything. He came back singing and crosses the fire again. He picked up his keak this time. His song was as follows:

Homoika homoika  
Hihiwe  
Hanis mi litcis mi  
Tciticilya hihiwi

Essential to the dances and ceremonies was the earth covered semi-subterranean dance house or *lamna* which also served as a sweathouse. Maria Copa told Dr. Kelly that the *lamna* "was pointed at top; earth covered. Large one at Nicasio. It has 1 large center post and was smooth" (Kelly 1932). There were also roofless brush covered dance houses, usually located next to the *lamna*, as well as special storehouses used for dance paraphernalia such as rattles and feathers.

Other structures included residential houses and menstrual huts. The residential house was called *kole-kotca* and was tule covered. Male members of a given community built and owned residential houses, and they were usually occupied by one slightly extended family (*Ibid*).

The economy of the Coast Miwok was of the hunting and gathering type and dependent upon the exploitation of the environment which offered them an enormous variety of resources in their seasonal round. The diet of the Coast Miwok included a complete cross section of the flora and fauna available. Within the region of Nicasio alone, Maria Copa stated that the food supply included deer, elk, rabbit, squirrel, grasshoppers, quail, ducks, salmon, eel, and sturgeon, as well as honey, soaproot, buckeye, acorns, and a number of berries and nuts. The winter months were dependent upon the use of stored acorns and dried meats and fish. Spring offered green plants (clover, mallow, wild onion, and soaproot), and a chance at early game and fish. During the summer months the entire gamut of foodstuffs was available for the harvest in preparation for the coming winter.

Deer, elk, other small game, and birds were taken with the bow and arrow. A sling or bola with a heavy bone on either end of the string was used for rabbits and ducks. Baskets were used for acorn and seed gathering as well as cooking mush, and the mortar and pestle were used in the preparation of these foods. Grasshoppers were caught, piled with grass, and roasted. Quail and rabbits were snared in basket traps or nets. Fish were taken in nets, seines, or by spear.

Material elements of the Coast Miwok were, of course, fashioned from resources taken from the surrounding environment. Boats were made by tying together bundles of tule. Baskets made of willow and other materials included baby cradles with a tule sun shade, seed beaters, parching trays, conical burden baskets, and feathered covered baskets with abalone shell, beads, quail topknots, woodpecker scalps, and duck feathers for decoration. Clothing included deerskin wraparound skirts worn by women, and breechclouts worn by men. Blankets were fashioned from rabbit, rat, field mouse, and duck skins.

Tobacco pipes were manufactured from wood. Bows were backed with sinew, arrows made from hazel, and quivers constructed of coyote skin. Obsidian (volcanic glass) and chert were used for knives, arrow points, and spears. Soap, hair brushes, and mealing brushes were fashioned from soaproot. Whistles were made from elder, double whistles of bone and sometimes wood.

Personal adornment included tatooing. Men were usually tatooed on the arms, women on the face. Maria Copa, Dr. Isabel Kelly's informant, was tatooed with a "vertical mark on chin, and diagonal zigzag lines running from each corner of the mouth" (Kelly 1932). Ears of men and women were pierced and a small bone thrust through as an ear plug. Clam disc beads were worn as decoration as well as serving as a medium of exchange. Hairnets were worn by both men and women.

The aboriginal peoples of Point Reyes Station were probably not directly contacted or effected by the earliest explorations of the region by Drake (1569), Cermeno (1595), and Vizcaino (1602). It does seem likely, however, that they heard of these strangers who came to Point Reyes in ships, and may have been indirect recipients of some tradegoods (this has not yet been demonstrated in the archaeological record).

The first real contact between Europeans and the Coast Miwok at Point Reyes Station undoubtedly occurred after the establishment of Mission Dolores in San Francisco (1776). On December 7, 1802, sixteen Native Californians were baptised at the mission and recorded as 8 Tamals and 8 Olemas. Tamal probably refers to the area on the east side of Tomales Bay including Marshall, perhaps Nicasio, and perhaps Point Reyes Station. Olema seems to refer to the area along Olema Creek including the Town of Olema and perhaps Point Reyes Station. Between the years 1802 and 1810, approximately 150 people were baptised at Mission Dolores and termed as Tamals or Olemas. What portion of these individuals lived in immediate proximity to Point Reyes Station is not known at this time.

On December 14, 1817, Mission San Rafael Arcangel was established in what is now the City of San Rafael. It seems certain that any Native Californians still living in the vicinity of Point Reyes Station were taken to San Rafael shortly after it began operations. S. F. Cook (1956) stated that within a few years after the establishment of Mission San Rafael, the missionaries had "made a clean sweep to the coasts of the bay and the ocean, and had begun to penetrate north to the vicinity of Santa Rosa and Sebastopol". Repeated references are made in the early baptismal records of Mission San Rafael to the villages or tribelets of Echa-kolum (near Marshall), Ech-tamal (near Nicasio), and Olema-loke (near Olema), as well as to a number of other villages which were probably in the vicinity of Point Reyes Station. We do know that Point Reyes Station was within the westernmost portion of the approximately 110,700 acres of land which were under the control of Mission San Rafael, and that agricultural and pastoral activities were undertaken as near as Nicasio.

The immediate and long term effects of the mission system on the aboriginal population has been outlined by a number of scholars (S. F. Cook 1943; Colley 1970). Forced incarceration, disease, suboptimum diets, high mortality rates, and the disruption of the material and social cultures of



the Native Californians are all indicated. Attempted flight was met with counter measures which prevented escape and sent punitive expeditions to recover runaways and punish those who helped fugitives. Charles Colley states,

It should be pointed out that the missions had as a dominant goal the conversion of a people to a new way of thinking. Economic and political factors, while do doubt involved, were secondary. In order to realize their purposes the mission had to submerge (really try to eliminate) Indian culture ~~-(1970:146)-~~

Patricia Hickman, in her *A History of Point Reyes Peninsula* (1974, has observed of the missions:

The aim of the mission fathers was the eradication of California Indian culture. The old villages were to be replaced by self-supporting villages of Christianized Indian farmers and tradesmen who worked their own land. To do this the missionaries set up a system of communal living which required coercion for its maintenance. Missions were frontier institutions. The pattern followed by the Spanish was that of a small number of friars, usually two or three to a mission, and a few soldiers stationed at the mission or in nearby presidios, who would settle the frontier and make the land ready for settlers from Mexico and Spain. The settlers were to follow the missionaries and soldiers as they moved north in ten-year intervals. Obviously, the aim of the missions, which involved vast cultural change, could not be accomplished without force in such a short period. Thus the mission system was one of inherent ruthlessness, even though force was explicitly repugnant to many of the fathers and government officials. The aim of the system was to bring the Indians into the newly-constructed social system, but the result was to eradicate not only California Indian cultures, but the California Indian peoples who were brought into the mission system (*Ibid*:7).

The establishment of the mission system and the concomitant changes produced in the Native Californian culture were certainly not limited in their impacts. Innovations such as new forms of shelter, clothing, technology, and subsistence were coupled with the introduction of new religious concepts, time counting, and work habits. Cook (1943) and Colley (1970) have also provided us with an idea of the reactions of the Native Californians to the imposed mission system. "Passive resistance, sullen discontent, and unhappiness" are said to have characterized the mission populations. Colley points out that dances and secret religious ceremonies were performed at Mission San Jose by a number of Native Californians and that punishment directed toward the neophytes "degraded the Indian and inspired the chastized and his friends with an implacable hatred of the mission system" (1970:150). Fugitivism occurred at the rate of approximately one attempted escape for each ten individuals brought into the missions (Cook 1943).

It is possible that the Point Reyes Station region of Marin was occupied by a few Native Californians during the mission period. Although there are no specific written references to individuals living at the site of the town, there

are references to Native Californians living to the east near Nicasio. The evidence for the post-mission historic period in Marin (after 1833) is similar. Although we do not have any specific references to or know for certain if any Native Californians returned from the missions to live at Point Reyes Station, many historic documents state that individuals and families did reoccupy the areas around Marshall and Tomales Bay to the north, and Nicasio to the east. The evidence also indicates that while the material culture of the Coast Miwok had been vastly altered by the missionization experience, large segments (dances, ceremonies, kinship ties, recognition of tribelet boundaries, appointment of headmen and headwomen) of their social culture had been retained.

The subsequent European and American periods of Marin's history witnessed a continued alteration of the Coast Miwok material culture and a rapid decline in the numbers of Coast Miwok peoples. A Federal census of 1852 lists 228 individuals as being "Indians" born in California and residing in Marin County (U. S. Bureau of Census 1852). The Federal census of 1860 lists 112 persons in the same way. By 1880 the number of individuals listed as "Indian" had dropped to 89 (U. S. Bureau of Census 1880). It seems highly unlikely that there were any Coast Miwok residing in Point Reyes Station during the American period of Marin's history (after 1850).

### Findings

No additional archaeological resources were discovered during the most recent reconnaissance efforts of ACRS. All portions of the Point Reyes Station Wastewater System including the proposed locations of the sewer lines, lift station, force main, spray irrigation field, and treatment lagoons have now been subject to an archaeological reconnaissance.

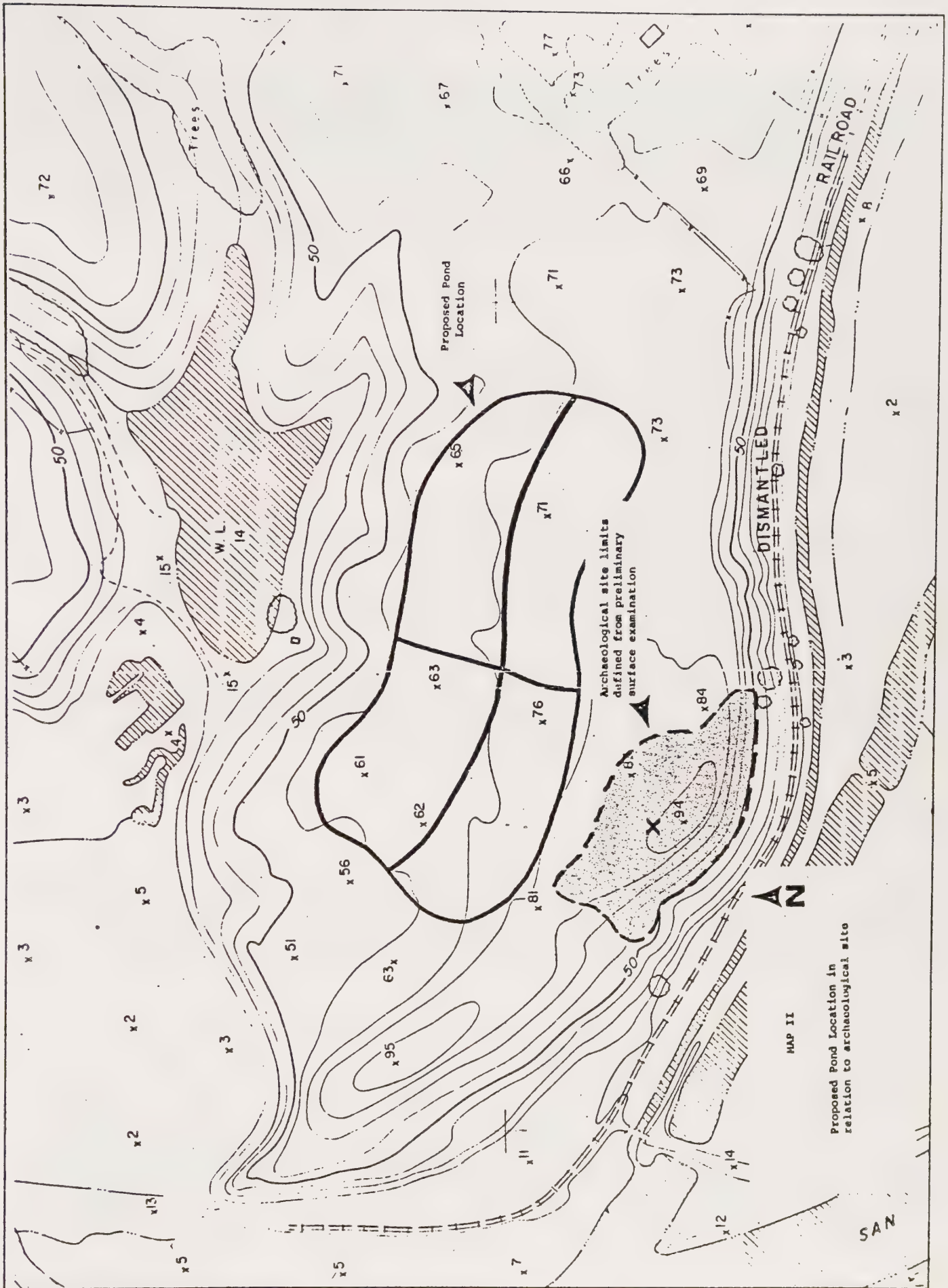
As detailed in the March, 1975 "Report of the Preliminary Archaeological Reconnaissance of the Proposed Point Reyes Station Wastewater System - Treatment Pond Site Number 1" by ACRS, the single archaeological resource located adjacent to the proposed treatment lagoons (Exhibit 6) is:

. . . not manifest by the 'typical' features usually associated with archaeological sites in this area. It is not a midden deposit (accumulation of cultural materials in a soil matrix) but appears rather to be a surface scattering of lithic materials.

The exposed natural siliceous nodules (Franciscan Cherts), washed free of their soil matrix by erosion, appear to have been quarried by the aboriginal Coast Miwok peoples for manufacture into various types of stone tools. Several stone flakes, nodules from which they had been removed (cores), and one large bifacially worked stone tool were noted on the surface (ACRS 1975:2).

The archaeological resource appears, then, to be a lithic quarry and workshop area which has little depth but is, instead, horizontally stratified over an area of approximately 3 to 4 acres. The resource as such is significant for a number of reasons. It is likely to yield information important to the understanding of quarrying the tool production techniques of the local aboriginal





ARCHAEOLOGICAL SITE (CHERT QUARRY)

EXHIBIT 6

inhabitants. Comparisons can be made between chert artifacts recovered through archaeological excavations from local prehistoric sites, and the chart materials found at the quarry. If artifacts manufactured from the materials at the quarry are found within the collections of artifacts from the prehistoric sites, it may be possible to establish distributions and thus shed some light on local chert trade economics. Quarries themselves are a rare occurrence among known sites in Marin County. The site located next to the treatment lagoons represents the only known chert quarry in all of southern Marin.

#### Impact of Proposed Project

Primary: As detailed in the March 1975 report of ACRS concerning the archaeological site located next to the treatment lagoon, there is a possibility that the resource will be directly impacted by the proposed development. While excavation is not planned at the location of the resource, it is possible that the berm along the southern rim of the lagoon will cover a portion of the archaeological site.

Secondary: Secondary impacts would seem to be limited to the possibility of resources being impacted by growth which has been induced by the proposed project. Should unknown resources exist in areas which have not been subject to archaeological surveys and which will experience developments that are the result of growth induced by the proposed project, those resources could be damaged or destroyed by associated construction activities.

Since no indications of archaeological resources were observed or discovered at any other portion of the proposed project developments, it appears that there will be no other primary impacts unless a subsurface discovery is made of buried archaeological remains. No other secondary impacts apart from those outlined above are foreseen.

#### Mitigation and Recommendations

It is recommended that all efforts be undertaken to avoid the disturbance of the single archaeological resource which is adjacent to the proposed location of the treatment lagoons. Avoidance of this resource could be accomplished by staking the limits of the site and undertaking development activities at a reasonable distance from the resource. A distance of at least 30 meters is suggested.

If the above recommendation is not possible or if the resource is to be disturbed by the proposed project, it is recommended that a controlled recovery program be undertaken by qualified archaeologists to salvage any portion of the site which will be impacted.

Two courses of action are available for the mitigation of secondary impacts. The first course would require an archaeological reconnaissance of all areas in which growth may be induced by the proposed project. The obvious advantage to a reconnaissance of this type would be the immediate and complete acquisition of an archaeological data base for future planning and development purposes.



The second course of action is more piecemeal in nature and would require a reconnaissance for any project which is determined to be the result of growth induced by the wastewater system developments. The obvious difference here is that the responsibility for the reconnaissances is placed upon the developers of individual projects.

FOOTNOTE: The North Marin County Water District will avoid disturbance of the identified archaeological resource (chert quarry) by having an archaeologist stake the limits of the site and maintain construction activity at 30 meters or more distance as recommended.





## IV. APPENDIXES





A





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B





## PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

### ☐ References

#### • Law

National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470\*) also known as PL 89-665

National Environmental Policy Act, Sec. 101(b) (4)

#### • Presidential Orders

Executive Order 11593 (especially Section 1(3))

#### • Implementing Codes

36 CFR PART 800 (Jan. 25, 1974 Fed. Register - 39FR3366)

40 CFR PART 1500 (CEQA "GUIDELINES")

40 CFR PART 6 (proposed EPA Rules for Preparation of Environmental Impact Statements)

#### • Administrative Procedures

"Historic Preservation Grants-in-Aid: Policies and Procedures"

"The National Register Program, Vol. 2: How to Complete National Register Forms", Jan. 1975 (U. S. Dept. of Interior, National Park Service, Wash. D.C.)

"The National Reg. Prog., Vol. 1: State & Federal Guidelines" - yet to be published

### ☐ Background

On October 15, 1966, PL 89-665, the National Historic Preservation Act, was passed. It said:

"It is necessary and appropriate for Federal Government to give maximum encouragement to agencies and individuals undertaking preservation by private means and to assist local governments to expand and accelerate their historic preservation programs and activities."

"Federal Agency having authority to assist in any undertaking prior to issuance of fund approval for undertaking shall take into account the effect of the undertaking on anything included in the National Register and afford the Advisory Council on Historic Preservation an opportunity to comment."

The Act also created the Advisory Council on Historic Preservation consisting of the Secretaries of Interior (Chairman), Housing and Urban Development, Commerce, Treasury, the Attorney General, Administrator of General Services Administration and 10 presidential appointees significantly interested and experienced in matters to be considered by the Council.

In 1969, Congress passed the National Environmental Policy Act (NEPA) which at Section 101(b) (4) declares that one objective of national environmental policy is to "preserve important historic, cultural, and natural aspects of our

national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice."

On May 15, 1971, the President issued Executive Order 11593 to further the purposes and policies of:

1969 - NEPA (83 Stat. 852, 42 USC 4321 et seq.)

1966 - National Historic Preservation Act (80 Stat. 915,  
16 USC 470 et seq.)

1935 - Historic Sites Act (49 Stat. 666, 16 USC 431 et seq.)

It contained the following statement:

"The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of Government shall (1)....., (2)....., and (3), in consultation with the Advisory Council on Historic Preservation (16 USC 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance."

On July 17, 1974, EPA implemented a notice of proposed rules entitled "Preparation of Environmental Impact Statements", Federal Register Vol. 39, No. 138, PART III. Paragraph 6.214 of 40 CFR PART 6 proposed states that:

"(1) If an Agency action may affect a property listed in or eligible for listing in the National Register of Historic Places (published in the FEDERAL REGISTER each year in February with supplements on the first Tuesday of each month), the responsible official, during the environmental review, will consult with the State Historic Preservation Officer to determine if the effect will be adverse. If the effect will be adverse, the responsible official shall consult with the Executive Director of the Advisory Council as well as the State Officer, and attempt to develop alternatives to remove the adverse impact so a joint memorandum of agreement can be issued acknowledging removal of the impact. If a joint memorandum cannot be agreed to, the responsible official shall prepare an impact statement as required by Par. 6.200(c) that includes a complete discussion of the impacts of the action on the property in question. Copies of the draft and final statement should be sent to the above officials for their comment in accordance with the procedures of the Advisory Council on Historic Preservation."

On February 4, 1975, the Department of Interior (National Park Service) issued procedures for "Protection of Properties on the National Register (36 CFR PART 800). These spell out criteria for evaluation and coordination of comments between Advisory Council and Federal Agencies. A flow chart of those procedures is attached as Exhibit A. Note that up until the point in the process that EPA is required to prepare an EIS, EPA by its proposed rules (40 CFR PART 6) published in the July 17, 1974 Federal Register, largely delegates to the applicant the work of coordinating the concerns of the State Historic Preservation Officer and Executive Officer of the Advisory Council. Also attached as Exhibit B is the various criteria applied.

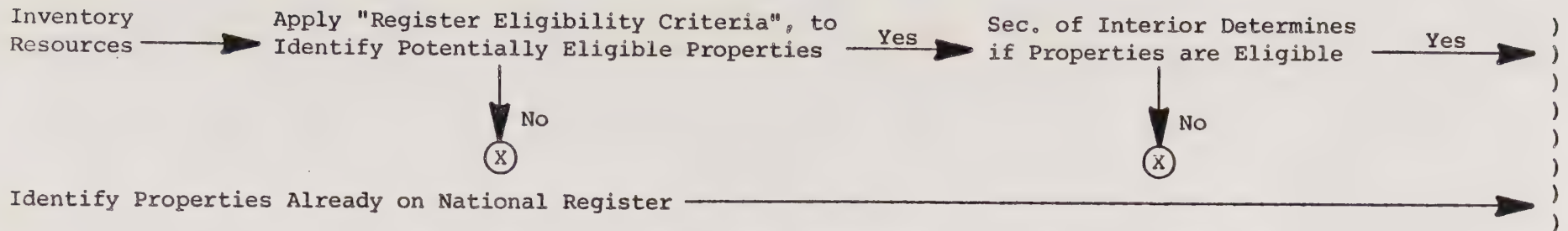
☐ Commentary

The key thrust of the original National Historic Preservation Act was to require consideration be given to federally owned properties on the

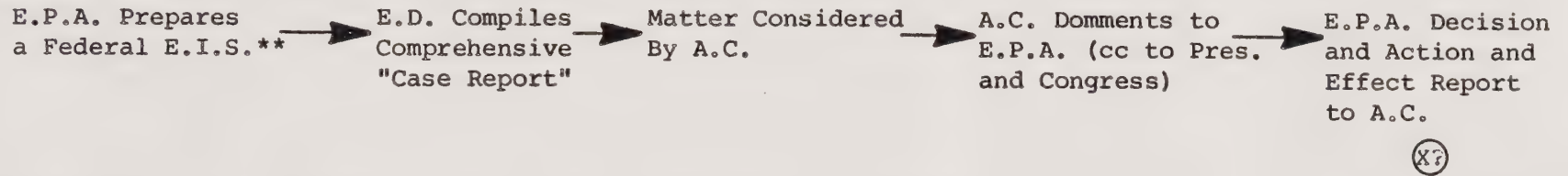
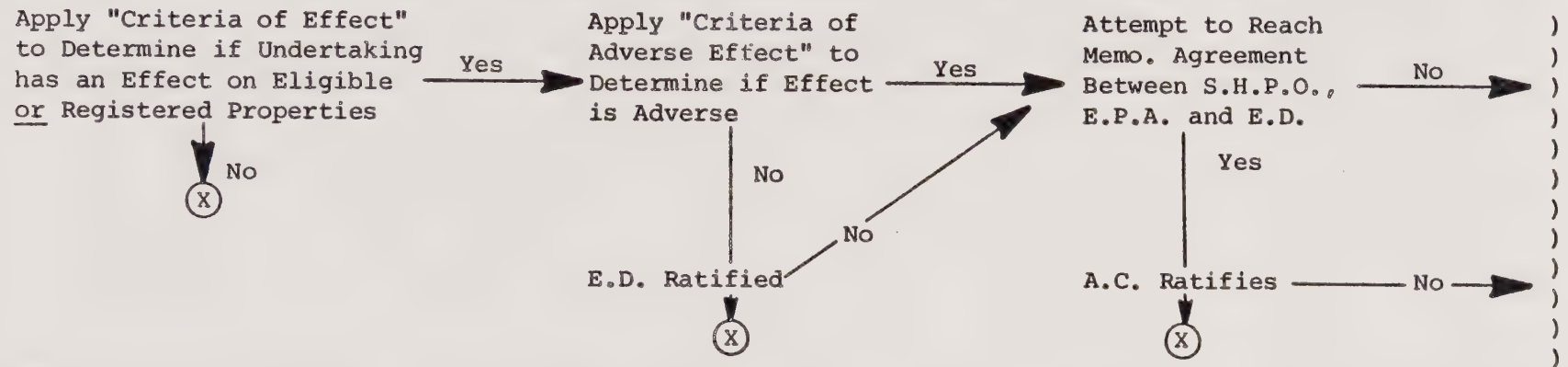


National Register before undertaking action which might affect them. Based on NEPA's broad policy statement in 1969, Nixon extended the impact of the act to non-federally owned sites. EIS Implementing Regulations of EPA and procedures implemented by the Advisory Council kicked the ball one step further by requiring identification of properties "eligible" for Register status is the environmental review process before a decision of "effect" or "no effect" could be made. One consequential result of these regulations is to require identification of "eligible" properties even when the proposed undertaking will obviously have no effect on potentially eligible properties.

# HISTORICAL PRESERVATION REVIEW PROCESS\*



Identify Properties Already on National Register → )



## Legend:

● "Resources" means districts, sites, buildings, structures, and objects, significant in American history, architecture, archaeology and culture. ● "S.H.P.O." means State Historic Preservation Officer. ● "E.P.A." means Environmental Protection Agency. ● "E.D." means Executive Director A.C. ● "A.C." means Advisory Council on Historic Preservation. ● "E.I.S." means Environmental Impact Statement. ● (X) means proposed undertaking (project) may proceed.

\* Condensed from 36 CFR Part 800 as published in 40 FR 5242

\*\* E.P.A. requirement (refer 39 FR 26258)



NATIONAL REGISTER ELIGIBILITY CRITERIA AND CONSIDERATIONS

800.10 National Register Criteria. (a) "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

- (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) That are associated with the lives of persons significant in our past; or
- (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- (2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;
- (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- (5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no building or structure with the same association has survived;
- (6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- (7) A property achieving significance within the past 50 years if it is of exceptional importance.

800.8 Criteria of Effect. A Federal, federally assisted, or federally licensed undertaking shall be considered to have an effect on a National Register property or property eligible for inclusion in the National Register (districts, sites, buildings, structures, and objects, including their settings) when any

condition of the undertaking causes (or may cause any change) beneficial or adverse, in the quality of the historical architectural, archeological, or cultural character that qualified the property under the National Register Criteria.

800.9 Criteria of Adverse Effect. Generally, adverse effects occur under conditions which include but are not limited to:

- (a) Destruction or alteration of all or part of a property;
- (b) Isolation from or alteration of its surrounding environment;
- (c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;
- (d) Transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and
- (e) Neglect of a property resulting in its deterioration or destruction.

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\* Verbatim from 35 CFR PART 800



C





## INSTRUCTIONS

### USING THE NATIONAL REGISTER FORMS

These forms are intended for the use of the States in nominating properties for entry in the National Register. The National Park Service accepts nominations only through the State Historic Preservation Officer.

#### I. INVENTORY-NOMINATION FORM (Form 10-300)

- A. Purpose: This form contains the basic written data required to nominate a property for entry in the National Register. Except where otherwise noted, all code numbers will be entered by the State Historic Preservation Officer based on information supplied by the National Park Service. Submit original inventory, map, and photo forms, as the National Register will not accept Xeroxed forms.

#### B. Completing the Form

1. **NAME**: Historical name(s) of the property and any currently used common name(s).
2. **LOCATION**: Written geographic description of property location. Properties not on main thoroughfares (city streets or county, state, or federal highways) are to be located by vicinity (the nearest town and the distance and direction from that town along major highways or secondary roads). For example, a property could be situated in the vicinity of Mendham (N.J.) and be described as 2 miles south on County Route 525 and 1 mile west on County Route 512. The above requested information may be supplemented by including the appropriate township, range, and section designations for the nominated property if desired. In cases where a property owner wishes to discourage visitors, the township, range, and section designations alone will be considered sufficient.
3. **CLASSIFICATION**
  - a. Category (check one)
    - (1) **District**: A geographically definable area, urban or rural, possessing a significant concentration or linkage of sites, buildings, structures, or objects unified by past events or aesthetically by plan or physical development.
    - (2) **Site**: The location of an event, building, structure, or object.

- (3) Building: A structure created to shelter any form of human activity.
  - (4) Structure: A work constructed by man.
  - (5) Object: A material thing of functional, aesthetic, cultural, historical, or scientific value that is usually, by nature or design, movable.
- b. Ownership (check one).
  - c. Public Acquisition (check one).
  - d. Status (check one).
  - e. Accessible (check one): indicates whether the general public has direct access to the property. Restricted access would include access by appointment, scheduled hours, etc.
  - f. Present Use (check one or more).
4. OWNER OF PROPERTY: Name and address of owner at the date of nomination. Omit entry where there is a large multiple public and private ownership (i.e. districts), but provide a separate list of all property owners for use by this office.
5. LOCATION OF LEGAL DESCRIPTION: Reference to location of current property title at the date of nomination. The following are not required:
- 1. chain of title
  - 2. copy of title
  - 3. book and page reference to title
6. REPRESENTATION IN EXISTING HISTORICAL, ARCHITECTURAL OR ARCHAEOLOGICAL SURVEYS: Many properties to be nominated have been recognized in existing inventories or surveys. This blank serves as a reference to identify such surveys and locates the repository for the records the surveys produced. Copies of existing survey records are not required. Use continuation sheet (Form 10-300a if necessary).
7. DESCRIPTION
- a. Condition (check one in each of the three divisions).
  - b. Description: A concise, factual written description of the property, including any known information of original condition and later alterations or changes. Use continuation sheet (Form 10-300a) if necessary.



8. SIGNIFICANCE

- a. Period (check one or more).
- b. Areas of Significance (check one or more as appropriate to indicate the major significance of the property): Any item checked here must be substantiated in the written statement of significance.
- c. Specific Dates: If the property has a specific date of construction or primary significance, please indicate.
- d. Builder/Architect: Enter the names of the architect and/or builder, if known.
- e. Statement of Significance: A concise, factual statement of the reason(s) for the property's entry in the National Register. Use continuation sheet (Form 10-300a) if necessary.

9. BIBLIOGRAPHICAL REFERENCES: List the sources of the historical, architectural, or archaeological information given in this form, especially the major published works containing facts about the property.

10. GEOGRAPHICAL DATA

- a. Acreage of Nominated Property: The term "property" is taken to mean the district, site, building, structure, or object and whatever surroundings constitute an integral part of the historical entity. Indicate the acreage within the boundaries of the area proposed for nomination.
- b. Do not fill in UTM references. Please provide a current 7-1/2° or 15° U.S. Geological Survey Quadrangle Map with the property marked in pencil.
- c. Please provide a verbal description of the boundary.
- d. States and Counties: If a property overlaps state or county boundaries, list all states and counties within which the property lies.

11. FORM PREPARED BY: This identifies the compiler of the form.

12. STATE HISTORIC PRESERVATION OFFICER CERTIFICATION: To be completed only by the State Historic Preservation Officer. His signature certifies that the property has been evaluated and reviewed at the state level according to requirements, prior to being forwarded to the National Park Service. The recommended level of significance represents the opinion of

the state and is for informational purposes only; distinctions will not appear in the printed edition of the National Register.

NATIONAL REGISTER VERIFICATION: To be completed only by the National Park Service when the property is entered in the National Register of Historic Places.

## II. PROPERTY MAP FORM (Form 10-301)

This form is no longer required. The following information formerly included on map forms must be included on the map itself:

1. Name of property
2. Boundaries
3. North arrow

## III. PROPERTY PHOTOGRAPH FORM (Form 10-301)

This form is no longer required. Information formerly included on the photo form should be typed on a pressure sensitive or self-adhesive label and applied to the back of each photograph submitted. If possible, the information should be given in the following order:

1. Name of property (for districts, list the name of the individual building shown, followed by the name of the district)
2. City and State where located
3. Name of photographer
4. Date photograph was taken
5. Location of photograph negative
6. Description of view and direction of photographer
7. Photograph number



UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*  
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS**1 NAME**

HISTORIC

AND/OR COMMON

**2 LOCATION**

STREET &amp; NUMBER

CITY, TOWN

\_\_\_ NOT FOR PUBLICATION  
CONGRESSIONAL DISTRICT

STATE

\_\_\_ VICINITY OF  
CODE

COUNTY

CODE

**3 CLASSIFICATION**

## CATEGORY

☐ DISTRICT  
☐ BUILDING(S)  
☐ STRUCTURE  
☐ SITE  
☐ OBJECT

## OWNERSHIP

☐ PUBLIC  
☐ PRIVATE  
☐ BOTH

## PUBLIC ACQUISITION

☐ IN PROCESS  
☐ BEING CONSIDERED

## STATUS

☐ OCCUPIED  
☐ UNOCCUPIED  
☐ WORK IN PROGRESS  
**ACCESSIBLE**  
☐ YES: RESTRICTED  
☐ YES: UNRESTRICTED  
☐ NO

## PRESENT USE

☐ AGRICULTURE ☐ MUSEUM  
☐ COMMERCIAL ☐ PARK  
☐ EDUCATIONAL ☐ PRIVATE RESIDENCE  
☐ ENTERTAINMENT ☐ RELIGIOUS  
☐ GOVERNMENT ☐ SCIENTIFIC  
☐ INDUSTRIAL ☐ TRANSPORTATION  
☐ MILITARY ☐ OTHER:**4 OWNER OF PROPERTY**

NAME

STREET &amp; NUMBER

CITY, TOWN

\_\_\_ VICINITY OF

STATE

**5 LOCATION OF LEGAL DESCRIPTION**COURTHOUSE,  
REGISTRY OF DEEDS, ETC

STREET &amp; NUMBER

CITY, TOWN

STATE

**6 REPRESENTATION IN EXISTING SURVEYS**

TITLE

DATE

\_\_\_ FEDERAL \_\_\_ STATE \_\_\_ COUNTY \_\_\_ LOCAL

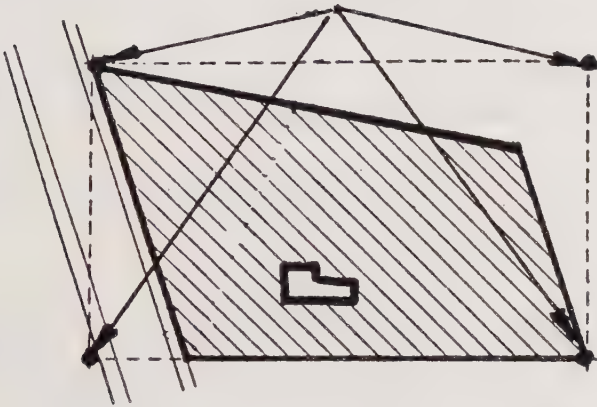
DEPOSITORY FOR  
SURVEY RECORDS

CITY, TOWN

STATE

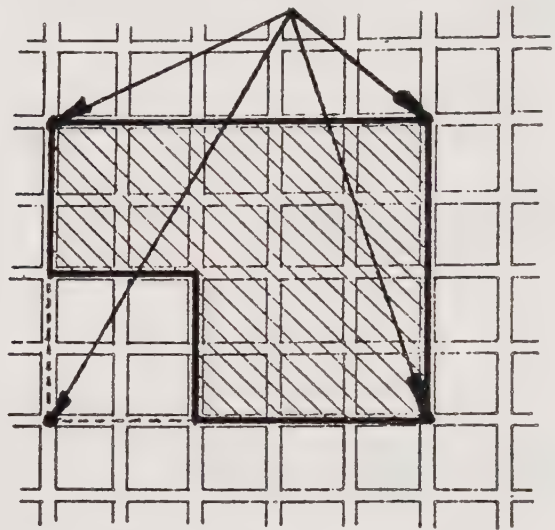
EXAMPLES FOR SHOWING LOCATION  
OF  
PROPERTY ON TOPOGRAPHIC MAP

corner points of rectangle



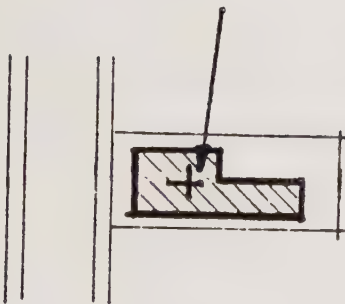
- A. BUILDING, STRUCTURE or OBJECT  
on a site of ten or more acres

corner points of rectangle



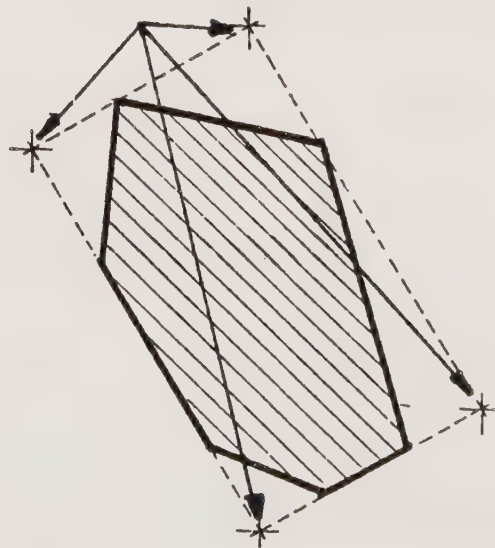
- B. DISTRICT of ten or more acres

central point



- C. DISTRICT, SITE, BUILDING,  
STRUCTURE or OBJECT of less  
than ten acres

corner points of rectangle



- D. SITE of ten or more acres



**7 DESCRIPTION**

**CONDITION**

☐ EXCELLENT

☐ DETERIORATED

☐ GOOD

☐ RUINS

☐ FAIR

☐ UNEXPOSED

**CHECK ONE**

☐ UNALTERED

☐ ALTERED

**CHECK ONE**

☐ ORIGINAL SITE

☐ MOVED      DATE \_\_\_\_\_

---

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

## 8 SIGNIFICANCE

PERIOD		AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION	
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE	
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE	
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN	
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER	
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION	
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)	
		<input type="checkbox"/> INVENTION			

---

SPECIFIC DATES

BUILDER/ARCHITECT

---

STATEMENT OF SIGNIFICANCE



## 9 MAJOR BIBLIOGRAPHICAL REFERENCES

## 10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY \_\_\_\_\_

## UTM REFERENCES

A  ZONE  EASTING  NORTHING

C  ZONE  EASTING  NORTHING

B    
ZONE EASTING NORTHING

D    
ZONE EASTING NORTHING

**VERBAL BOUNDARY DESCRIPTION**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

CODE

CODE

**11 FORM PREPARED BY**

NAME / TITLE

## ORGANIZATION

STREET &amp; NUMBER

CITY OR TOWN

## 12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL \_\_\_\_\_

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

FEDERAL REPRESENTATIVE SIGNATURE

TITLE

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE \_\_\_\_\_

DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

ATTEST:

KEEPER OF THE NATIONAL REGISTER

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM**

FOR NPS USE ONLY
RECEIVED
DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER

PAGE



D





GRANTS-IN-AID UNDER THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

I. Purpose:

The National Historic Preservation Act of 1966 provides matching grants-in-aid for the acquisition, restoration and preservation of districts, sites, buildings, structures, and objects significant to American history, architecture, and archeology.

II. Fund Availability:

The approximate amount of funds made available yearly to California from the National Park Service is \$650,000.

- A. The State of California disperses 70 percent of these funds to local projects aimed at preserving sites on the National Register.
- B. Grants-in-aid are matching and rarely exceed \$40,000. Local match can be in the form of in-kind services; however, no funds from federal agencies can be used for matching. One exception is that HUD Community Development Block grants can be used as match.

III. Who May Apply:

Governmental bodies, private organizations and individuals may apply.

IV. Criteria and Selection:

Projects are selected by the State Historic Preservation Officer based on the following general criteria:

- A. Properties eligible for designation as National Historic Landmarks that are in clear and present danger of destruction or serious impairment.
- B. Any other properties on the National Register of Historic Places in urban areas in clear and present danger of destruction or serious impairment whose loss would have serious adverse effects on the environment in which located.
- C. Any other properties on the National Register of Historic Places in clear and present danger of destruction or serious impairment whose loss would have serious adverse effect on the community or rural environment in which located.
- D. All properties on the National Register of Historic Places not foreseeably threatened but with demonstrable need.

V. Fundable Items:

A. Allowable Costs:

1. Fee simple, or less than fee simple acquisition, closing costs, legal fees, appraisals costs and relocation costs.
2. Necessary research, plans and specifications, protection, rehabilitation, restoration, and reconstruction.

B. Unallowable Costs:

1. Costs of court action.
2. Interpretive expenses, new construction and other non-original items.

VI. Application Deadline:

- A. Letter of intent to file for a grant is needed by January 15 (sites must be nominated to the National Register before this date).
- B. Final application material is needed by June 30.

VII. Major Requirements After Receipt of Grant:

The site must be made accessible to the public at least 12 days each year, and the grant recipient is held responsible for the maintenance and administration of the property for a specific period, relative to the amount of federal assistance provided, as follows:

- A. Federal assistance of up to \$9,999: 20 years.
- B. Federal assistance of \$10,000 to \$49,999: 30 years.
- C. Federal assistance of \$50,000 to \$249,999: 40 years.
- D. Federal assistance of \$250,000 and over: 50 years.

For further information, contact the Office of Historic Preservation, California Department of Parks and Recreation, Post Office Box 2390, Sacramento, California 95811.

E





PROPOSED HISTORIC PRESERVATION LOAN PROGRAM

☐ REFERENCE

May 10, 1976 Federal Register:

24 CFR Part 201, Proposed rulemaking of the  
Department of Housing and Urban Development  
re Historic Preservation Loans

☐ SUMMARY

The above referenced regulation would implement Sec. 4(a) of the "Emergency Home Purchase Assistance Act of 1974 (PL 93-449), which provides for insurance of financial institutions that make loans for the purpose of financing preservation of historic residential structures.

To be eligible, 90% of the floor area of the structure must be devoted to residential use of one or more family units and the structure must be on the National Register of Historic Places or have been determined by the Secretary of Interior to be eligible for inclusion on the National Register. The structure need not be in a historic district.

It is understood, loans would be processed similarly to FHA loans with the applicant working directly with his lending institution (bank, etc.) except that the State Historic Preservation Officer (SHPO) would be asked to review and approve the proposed improvements. As proposed, the regulations interpret automatic approval by the SHPO if no comment is rendered by the SHPO within 30 days of receipt of the application by the State.

Loans would be made for the following purposes:

- architectural, engineering and permit fees;
- alterations, repairs and improvements which return the structure to a functional state of efficiency and/or which prevent deterioration or preserve, or recreate the form and detail of the structure as it appeared at a particular period of time and which are important in illustrating historic cultural values;
- miscellaneous recording fees, tax stamps and title insurance if permitted by lender to be part of the loan proceeds.

Term of the loan is six months to 15 years with refinancing up to a total of 25 years possible, if allowed by lender.

- Maximum amount of the loan is the lesser of \$15,000 per family unit or \$30,000 per residential structure.
- Maximum interest chargeable is 12% annual rate.
- Loans over \$15,000 shall be secured by a recorded lien on the property.

Because of the significance of this program and its applicability to single structure situations, an entire copy of the proposed regulation follows.



# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing  
Production and Mortgage Credit

[ 24 CFR Part 201 ]

[ Docket No. R-76-389 ]

## HISTORIC PRESERVATION LOANS

### Proposed Regulations

The Department of Housing and Urban Development is considering amending subtitle B of Title 24 of the Code of Federal Regulations, Chapter II, Subchapter B, Part 201, "Property Improvement and Mobile Home Loans," by adding a new subpart E, "Historic Preservation Loans." The amendment will implement Section 4(a) of the "Emergency Home Purchase Assistance Act of 1974," P.L. 93-449, which provides for the insurance of financial institutions that make loans for the purpose of financing the preservation of historic residential structures.

A description of the important elements of the Historic Preservation Loan Program regulations and a discussion of significant points raised in those regulations follow:

#### A. Description of Historic Preservation Loan Program Regulations.

1. For each insured lending institution there shall be maintained a general insurance reserve equal to 10 percent of the aggregate amount advanced on all eligible Title I loans originated by such insured, less the amount of all claims approved for payment in connection with such loans. (See Section 201.12(b)).

2. Historic Preservation Loans shall only be made for the rehabilitation, preservation, or restoration of historic residential structures (see Section 201.1605 and 201.1606).

(3) A "historic structure" is defined as a residential structure which is on the National Register of Historic Places or which is determined by the Secretary of the Interior to be eligible for the National Register (See Section 201.1605(m)).

(4) A "residential structure" is defined as a building that is used or will be used after rehabilitation, preservation, or restoration as a dwelling place for one or more families (See Section 201.1605(n)).

(5) All proposed improvements to historic structures must be submitted for review and approval to the State Historic Preservation Officer in the state where the historic structure is located before the loan can be approved (See Section 201.1606).

(6) The approval of the Federal Housing Commissioner is required prior to disbursing any historic preservation loan which would increase the total obligations of a borrower (including all other Title I obligations) to more than \$15,000 (See Section 201.1611).

(7) Loans in excess of \$7,500, exclusive of financing charges, shall be secured by a recorded lien upon the improved property (See Section 201.1612).

(8) Loans financing the improvement of a historic structure under this part shall not involve an amount exceeding \$15,000 per family unit in a residential structure or \$30,000 per structure and shall have a maturity not exceeding 15 years and 32 days (See Section 201.1615 (a) and (b)).

(9) The maximum permissible financing charge shall not exceed an annual rate of 12 percent (See Section 201.1625(a)).

(10) No points or discounts of any kind may be assessed or collected in connection

with the historic preservation loan transaction (See Section 201.1625(a)).

(11) Prior to approving a historic preservation loan, the insured lending institution must ascertain that the borrower is solvent, possesses a reasonable ability to pay the obligation, and is a reasonable credit risk (See Section 201.1635 (a) and (b)).

(12) A historic preservation loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, provided that the term of the new note does not exceed 25 years from the date of the original note (See Section 201.1640(c)).

(13) A historic preservation loan transaction may only involve a direct loan obtained by the borrower directly from the insured (See Section 201.1645).

(14) Participating lending institutions shall pay to the Federal Housing Commissioner an insurance charge equal to fifty-five hundredths (0.55) of 1 percent per annum of the net proceeds of any eligible historic preservation loan (See Section 201.1660).

(15) In case of default, an insured lending institution will be reimbursed for its loans on historic preservation loans up to the amount of its general insurance reserve. The amount of reimbursement is determined by adding the following items:

(i) 90% of the net unpaid amount of the loan actually made,

(ii) 90% of the uncollected interest earned up to the date of default plus 90% of the interest, computed from the date of default,

(iii) uncollected court costs, and

(iv) specified attorney's fees (See Section 201.1680(e)).

#### B. Discussion of Historic Preservation Loan Program Regulations.

1. Section 201.1606 of the regulations sets forth the review procedures that will be followed for all historic preservation loan applications. As a result of consultation between HUD, the Department of the Interior, and the Advisory Council on Historic Preservation it was determined that the State Historic Preservation Officers (SHPO) should be utilized to review and approve all proposed improvements to a historic structure before a historic preservation loan can be approved. To ensure that the SHPO's review does not unreasonably extend the loan application period, it was agreed that if the SHPO does not approve, disapprove, or recommend modifications of proposed improvements after 30 days of receipt of the application, the proposed improvements shall be deemed to be approved. In this event, the financial institution may disburse the loan funds, if all other eligibility criteria have been met. The 30 day review procedure applies only to proposed improvements to historic structures, it does not apply to the basic eligibility of the structure. Loans under this program can be made only for historic residential structures that are registered in the National Register of Historic Places or which are certified by the Secretary of the Interior to conform to National Register criteria. This eligibility requirement cannot be waived. The 30 day review period was selected to provide the SHPO a reasonable opportunity to review the proposed improvements to historic structures and to ensure that the program can operate in an efficient manner. Comment is solicited from interested persons on the 30 day SHPO review procedures.

2. The enabling legislation limits loan amounts to not more than \$15,000 per family unit, but does not place a dollar limit on the total amount of a loan for structures which have more than one residential unit. Section 201.1615(a) of the regulations requires that the maximum loan amount under this program shall not exceed \$30,000 per historic

residential structure. This proposed maximum loan amount has been established because of the potential underwriting risks that could be presented for loans of higher amounts. Comment is solicited from interested persons on how the program could be designed to provide for higher loan amounts without destroying the concept of this Title I loan program. The Historic Preservation Loan Program is similar to other Title I coinsurance loan programs, in that, it permits substantial delegation of authority to the participating financial institutions in the operation of the program.

3. Section 201.1660 of the regulations requires that the insurance premium for a historic preservation loan shall be 55¢ per \$100 of net proceeds per year for any eligible loan reported and acknowledged for insurance. This is in contrast to the 50¢ per \$100 insurance premium charged for a Title I property improvement loan. The historic preservation loan insurance premium is based on the higher loan amounts and longer terms that are authorized for historic preservation loans in comparison to Title I property improvement loans. An actuarial study of the proposed Historic Preservation Loan Program and the appropriate insurance premium has been completed by the Department.

The Department has determined that this amendment does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk, Room 10245, 451 7th Street, S.W., Washington, D.C.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should be addressed to the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. All relevant material received on or before June 11, 1976, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed amendments are as follows:

#### Subpart A—Property Improvement Loans

1. In § 201.12 paragraph (b) is proposed to be amended to read as follows:

§ 201.12 Insurance reserve.

(b) There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in Subpart A\*\*\* and E of this part on or after March 1, 1950, and prior to the expiration of the Commissioner's authority to insure under the provisions of this Act, less the amount of all claims approved for payment in connection with such loans and less the amount of any adjustment made pursuant to paragraph (c) of this section.

2. In Part 201 a new Subpart E is proposed to be added to read as follows:



## Subpart E—Historic Preservation Loans

## Sec.

201.1600	Purpose.
201.1605	Definitions.
201.1606	Eligibility requirements.
201.1610	Eligible notes.
201.1611	Prior approval of Commissioner.
201.1612	Security.
201.1613	Election of action.
201.1615	Maximum loan amount and terms.
201.1620	Late charges.
201.1625	Financing charges.
201.1630	Architectural fees.
201.1635	Credits and collections.
201.1640	Refinancing.
201.1645	Dealer and direct loans.
201.1650	[Reserved]
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201.1690	Administrative reports and examination.
201.1695	Amendments.

AUTHORITY: Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended by P.L. 93-383 and P.L. 93-449.

## § 201.1600 Purpose.

The purpose of this subpart is to establish the amount of the maximum insurable historic preservation loan for residential historic structures and to regulate the transactions related to the making and insuring of such loans.

## § 201.1605 Definitions.

As used in the regulations in this part, the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of the regulations in this part and the applicable provisions of the Act.

(e) "insured" means a financial institution holding a Contract of Insurance under Title I of the Act.

(f) "loan" means an advance of funds or credit.

(g) "direct loan" means a loan applied for by and disbursed directly to the borrower or borrowers where:

1. The credit application, signed by the borrower or borrowers, is filled out by:

(i) The borrower or borrowers;

(ii) A maker of the note other than a borrower; or

(iii) A person acting at the direction of a borrower who has no financial interest, directly or indirectly, in the contract for the repair, alteration or improvement of the borrower's property; and

2. The proceeds are delivered directly to such borrower or borrowers without the intervention or participation of an intermediary in any manner in such disbursement other than a maker of the note.

(i) "Note" includes a note or other evidence of indebtedness.

(ii) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(ii) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the Act and who has an interest of at least one-third of the following types of ownership in the property to be improved:

(A) A fee title.

(B) A life estate.

(C) A fee title or life estate subject to mortgage, deed of trust, or other lien securing a debt.

(D) A mutually binding contract for the purchase of the property where the borrower is rightfully in possession and the purchase price is payable in installments, or

(E) A lease having a fixed term, expiring not less than six calendar months after the maturity of the loan, provided the lessor indicates in writing his consent to the making of the improvements and procurement of the loan.

(h) "rehabilitation" means the process of returning a structure to a functional state of efficiency by repairs or alterations so that it will serve as a modern residential structure. In rehabilitation, those portions of the property which are important in illustrating cultural values are preserved or restored.

(i) "preservation" means the process of sustaining the form and extent of a structure as it now exists by halting further deterioration and providing structural safety but does not contemplate significant rebuilding.

(j) "restoration" means the process of accurately recovering the form and details of a structure as it appeared at a particular period of time by means of removal of later work and the replacement of the missing original work.

(k) "historic structure" means a residential structure which is on the National Register of Historic Places or which is determined by the Secretary of the Interior to be eligible for the National Register.

(l) "residential structure" means a building that is used or will be used after rehabilitation, preservation, or restoration, as a dwelling place for one or more families. The building may have an incidental non-residential use not to exceed 10 percent of the total usable floor area of the building.

## § 201.1606 Eligibility requirements.

Loans shall be made only for the rehabilitation, preservation or restoration of historic residential structures. The proposed improvements to the historic structure shall be reviewed and approved by the State Historic Preservation Officer (SHPO) in the state where the historic structure is located. A review fee of not to exceed \$25 may be collected from the borrower by the State Historic Preservation Officer. In the event that an approval, disapproval or recommendation for modification regarding proposed improvements is not received from the SHPO within 30 days of sub-

mission of the application to the of submission of the application to the SHPO, the proposed improvements shall be deemed to be approved by the SHPO. In this event, the financial institution may disburse the loan funds, if all other eligibility criteria have been met, and the review fee, if any, shall be refunded to the borrower by the SHPO.

## § 201.1610 Eligible notes.

(a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers, and shall be in compliance with all applicable federal, state and local laws. The note shall be complete and regular on its face. The signature of all parties to the note must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity, the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(c) *Payments.* The note shall be payable in equal installments falling due monthly or every 2 weeks, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. The note may provide for a first or final payment in an amount other than the regular installment. In such instances, the installment shall not be less than one-half nor more than 1½ times the amount of the regular installment.

## § 201.1611 Prior approval by Commissioner.

The prior approval of the Commissioner is required prior to disbursing any loan which will increase the total obligation of a borrower, co-maker or co-signer of any note under this part or subpart to more than \$15,000 exclusive of financing charges.

## § 201.1612 Security.

Loans in excess of \$7,500, exclusive of financing charges, shall be secured by a recorded lien upon the improved property. The proceeds of an insured loan shall not be used to supplement an uninsured obligation of the borrower created in connection with the proposed improvements, rehabilitation, preservation or restoration, if the payment of the uninsured obligation is secured by a lien unless the insured loan is to be secured by a lien which has priority over the uninsured obligation.

## § 201.1613 Election of action.

Where a real estate mortgage, deed of trust, judgment lien, or any other security device has been used to secure the payment of a loan, the insured may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.



**§ 201.1615 Maximum loan amount and terms.**

(a) The maximum loan amount shall not exceed the lesser of \$15,000 per family unit in a residential structure or \$30,000 per residential structure.

(b) The final maturity of a note shall not be less than 6 calendar months from the date of the note nor more than 15 years and 32 days from the date of the note.

**§ 201.1620 Late charges.**

The note may provide for a late charge, not to exceed 5 cents for each \$1.00 of each instalment 10 days in arrears. No late charge on a past due instalment may be accrued in excess of \$15.00. In lieu of late charges, notes may provide for interest on past due instalments at a rate not in excess of the contract rate of the note. The borrower must be billed for penalties collected as such, and evidence of such billing must be in the file.

**§ 201.1625 Financing charges.**

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 12 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge as provided in paragraph (a) of this section, the following expenses actually incurred by the insured in connection with the transaction: Recording or filing fees, documentary tax stamps, title examination charges and hazard insurance premiums, provided that such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the Contract of Insurance and if such costs or expenses are assessed against the borrower, the proper evidence thereof shall be in the file.

(c) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall rebate the full unearned charges, except that where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge may be deducted from the rebate. An insured is not required to make rebates of less than \$1 except upon application of the borrower.

**§ 201.1630 Architectural fees.**

The costs of a loan may include architectural and engineering services and the

costs of obtaining building permits where such services or permits are directly connected with eligible alterations, repairs or improvements financed in accordance with the regulations in this part.

**§ 201.1635 Credits and collections.**

(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or note purchased. In addition, the loan file must contain either a commercial credit report on the borrower or evidence of the lender's investigation of the borrower's credit.

(b) *Credit investigation.* The credit information relied upon by the insured, must, in its judgment clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatement or misuses of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than 15 days as to either principal or interest with respect to any obligation owing to, or insured by, any department of agency of the Federal Government, provided that nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(d) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower, which are called for by the borrower's credit application, in determining the eligibility of the loan.

**§ 201.1640 Refinancing.**

(a) *General requirements.* New obligations to liquidate loans previously reported for insurance will be covered by insurance if the new obligations meet the requirements of all applicable regulations in this part and the special provisions of this section.

(b) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made a handling charge not in excess of \$25.00 may be collected from the borrower.

(c) *Maximum maturity.* A loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, provided that the term of the new note does not extend 25 years from the date of the original note.

(d) *Special cases.* The Commissioner may upon presentation of the facts ap-

prove the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the act.

**§ 201.1645 Direct loans.**

A transaction may only involve a direct loan obtained by the borrower directly from the insured.

**§ 201.1650 [Reserved]**

**§ 201.1655 Report of loans.**

Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D.C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced shall likewise be reported on the prescribed form within 31 days from the date of the refinancing. Any loan transferred shall be reported on the prescribed form within 31 days from the date of such transfer. If the loan or note is not in default, the Commissioner may, in his discretion, accept a late report.

**§ 201.1660 Rate of insurance charge.**

The insured shall pay to the Commissioner an insurance charge equal to fifty-five one hundredths (0.55) of 1 percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for a period of 14 days or less, and a charge for a month shall be made for a period of more than 14 days.

**§ 201.1665 Payment of insurance charges.**

(a) *Single payment.* On loans having a maturity of 25 months or less, the insurance charge for the entire term of the loan shall be paid within 25 days after the date the Commissioner acknowledges to the insured institution the receipt of the report of the loan.

(b) *Installment payments.* On loans having a maturity in excess of 25 months the insurance charge shall be payable in instalments. The first instalment shall be equal to the charge for one year and shall be paid within 25 days of acknowledgement of the loan report. The second and succeeding instalments shall be paid within 25 days after billing on an annual basis.

**§ 201.1670 Refund or abatement of insurance charge.**

An insured shall be entitled to a refund or abatement of insurance charge only in the following instances:

(a) Where the obligation has been refinanced, the unearned portion of the charge on the original obligation shall be credited to the charge on the refinanced loan.

(b) Where the obligation is prepaid in full or an insurance claim is filed, charges falling due after such prepayment or claim shall be abated.

(c) Where a loan (or a portion thereof) is found to be ineligible for insurance, charges paid on the ineligible portion shall be refunded. Such refund shall



be made, however, only if a claim is denied by the Commissioner or the ineligibility is reported by the insured promptly upon discovery. In no event shall a charge be refunded on the basis of loan ineligibility where the application for refund is made after the loan has been paid in full.

(d) *Notes transferred.* Any adjustment of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid installments of the insurance charge shall be paid by the purchasing insured.

(e) *Limit on charge to borrower.* The insurance charge paid by the insured shall not be passed on to the borrower, if such action would cause the total payments for which the borrower is liable to exceed the maximum permissible amount which may be collected for interest, discount, and all other charges in connection with the transaction.

§ 201.1675 Insurance reserve.

All of the provisions of § 201.12 with respect to the maintenance for each insured lender of a general insurance reserve shall apply with respect to loans reported for insurance under this subpart. The aggregate amount of loans advanced by an insured lender, for the purposes of determining its general insurance reserve, shall include loans reported for insurance under all subparts of this part.

§ 201.1680 Claims.

(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form provided by the Commissioner, and shall be executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim after default.* Claim may be filed after default, provided demand has been made upon the debtor for the full unpaid balance of the note. For the purpose of determining the date of default, any payments received on an account, including payment on judgments predicated therein, shall be applied to the earliest unpaid instalment.

(c) *Maximum claim period.* Claim shall be filed no later than 6 months after the due date of the final instalment provided for in the note. If at the time of default or at any time subsequent to the default a person primarily or secondarily liable for the repayment of a loan is a "person in military service" as such term is defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended, the period during which he is in military service shall be excluded in computing the time within which claim is to be filed for reimbursement under the provisions of this section.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which claim must be made, provided that in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its losses on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 201.12. The amount of reimbursement is determined by adding the items in subparagraphs (1), (2), (3), and (4) as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser.

(2) 90 percent of the uncollected interest earned up to the date of default plus 90 percent of the interest, computed at 7 percent per annum on the outstanding balance, computed from the date of default:

(i) To either the date of the claim application or for a period of 9 months and 31 days following such default date, whichever is the lesser, or

(ii) To the date of certification of the claim for payment, in a case where an otherwise eligible claim has been held in suspense by the Commissioner pending a determination of the eligibility for insurance, of other claims or loans, or by an investigation of the insured's loan or claim activities.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing summons.

(4) Attorney's fees actually paid not exceeding:

(i) Twenty-five percent of the amount collected by the attorney on the defaulted note if the borrower is liable for the payment of such fee under the laws of the jurisdiction applicable to the note, and if the insured has not waived its claim against the borrower for such fees.

(ii) \$50 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by suit.

(iii) \$25 for expenses in recording of assignments of security to the United States.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, or any other security device in event of claim:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

(Financial institution)

by \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Provided, That if this form is not valid or generally accepted in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Recordation.* Where security has been taken or a proof of claim filed, the insured shall, prior to filing claim, place of record an assignment to the United States of America of said security or proof of claim.

§ 201.1685 Flood insurance.

On or after July 1, 1975, or one year after an area has been identified by the Secretary as having special flood hazards, no loans shall be made or refinanced for construction, repair, or improvement of any building located in an area that has been identified by the Secretary as an area having special flood hazards unless the community in which the area is situated is participating in the National Flood Insurance Program, and such insurance is obtained by the borrower. The amount of flood insurance required need not exceed the principal balance of the loan and need not be required beyond the term of the loan.

§ 201.1690 Administrative reports and examination.

The Commissioner may at any time call upon an insured for such reports as the Commissioner may deem to be necessary in connection with the regulations in this subpart. The Commissioner may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 201.1695 Amendments.

After consultation with the Secretary of the Interior, the regulations in this part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made or in the process of being made. Unless otherwise provided, an amendment shall be applicable to any loan or the refinancing of any loan, when the loan or note is made pursuant to an application dated on or after the effective date of such amendment.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C., May 4, 1976.

DAVID S. COOK,  
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Production and Mortgage  
Credit, FHA Commissioner.

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